

(2012) 04 JH CK 0053

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2237 of 2008

Subash Chandra Roy and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 02-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0053

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Advocate : Jitendra Nath, for the Appellant;

Final Decision : Dismissed

Judgement

D.N. Patel, J.—Learned counsel for the petitioner submitted that the dispute left out in this writ petition is only with respect to appointment of petitioner no. 3 for the post of Constable. It is submitted by the learned counsel for the petitioners that so far petitioner nos. 1 and 2 are concerned, they are not raising any dispute. Learned counsel for petitioner no. 3 submitted that the petitioner was initially given 10 points; 4 points for height and 6 points for educational qualification and, therefore, he should be kept within the select list, as the petitioner belongs to Scheduled Caste (Non-Homeguard) category.

2. Learned counsel for the respondents submitted that mistakenly the points were given to the petitioner and, in fact, as per paragraph no. 8 of the counter affidavit, filed by the respondents dated 26th March, 2012, height of the petitioner is 163 cm. and, therefore, as per Jharkhand Police Manual, the petitioner is entitled to 4 points towards height and as the petitioner is non-matric he will be given 5 marks towards his educational qualification and further the petitioner being the player of National Games, will be given 4.5 points and, thus, the petitioner will get total 13.5 (4+5+4.5) points whereas the last selected candidate in the category of the petitioner has obtained 14 points. This aspect of the matter has been clarified in paragraph no. 8 of the counter affidavit

and, therefore, this writ petition may not be entertained by this Court, so far petitioner no. 3 is concerned. Learned counsel for the respondents has also pointed out about petitioner nos. 1 and 2 that they are not entitled to be appointed.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that the petitioner is pressing this writ petition only for petitioner no. 3. Looking to paragraph no. 8 of the counter affidavit, filed by the respondents dated 26th March, 2012 it appears that the petitioner is a candidate of Scheduled Caste (Non-Homeguard) category. Petitioner's height is 163 cm., as stated in the master chart for the district of Hazaribagh. The said document is at Annexure A to the aforesaid counter affidavit and as per Jharkhand Police Manual, if the height of an incumbent is 163 cm. he is entitled to get 4 points.

So far educational qualification of the present petitioner is concerned, he is non-matric and, therefore, as per Jharkhand Police Manual, he is entitled to get 5 points. Further, looking to Annexure 3 to the writ petition, as the petitioner is the player of National Games, he is entitled to get 4.5 points. Thus, the petitioner has got $4+5+4.5$ points = 13.5 points and, as stated in the counter affidavit at paragraph no. 8, last selected candidate in the Scheduled Caste (Non-Homeguard) category has secured 14 points and, thus, the petitioner has secured less marks than the last selected candidate and hence the petitioner no. 3 is not entitled to be appointed on the post of Constable.

In view of the aforesaid facts and circumstances, there is no substance in this writ petition and, hence, the same is hereby dismissed.