
(2011) 05 JH CK 0072
In the Jharkhand High Court
Case No : L.P.A. No. 117 of 2011

The State of Jharkhand

APPELLANT

Vs

Manoranjan Tiwari

RESPONDENT

Date of Decision : 10-05-2011

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2011) 05 JH CK 0072

Hon'ble Judges : Prakash Tatia, J; Harish Chandra Mishra, J

Bench : Division Bench

Judgement

1. Heard learned Counsel for the Appellant and the Respondent writ Petitioner in person.
2. The Appellant is aggrieved against the judgment dated 13th September, 2010 passed in Respondent's writ petition being W.P. (S) No. 3345 of 2007.
3. The controversy has checkered history that it arose in the year 1988 and in the year 1988 it was found that some of the persons have been given appointment in violation of the Article 14 and 16 of the Constitution of India in the Department of Animal Husbandry & Fisheries, Government of Jharkhand, Ranchi and the matter went up to the Hon'ble Supreme Court wherein in Civil Appeal Nos. 5344, 5346 and 5376 of 2003 the Hon'ble Supreme Court directed that the State Government may proceed to reappoint the persons whose services have been terminated and while doing so it has been specifically provided that some age relaxation would be given to persons whose services have been terminated and this order itself made it very clear that outsiders could have competed in the process of selection.
4. In the process of selection the Respondent writ Petitioner was permitted to take part and he stood first. However, he was not given appointment only on the ground that he is outsider and cannot be given appointment.
5. During hearing of the writ petition before the learned Single Judge one

another ground was raised by the Appellant State that the Respondent was not duly qualified as he obtained a certificate from a private institute whereas requirement as given in the advertisement was that the incumbent must have the certificate from the Government institute.

6. It is not in dispute that in the case of Chandrakant and Ors. v. The State of Jharkhand and Ors. in W.P. (S) No. 156 of 2005 it has been held that the condition of obtaining the certificate of said qualification from only Government institute is illegal, therefore, so far as eligibility of the Respondent is concerned, he was duly eligible candidate for appointment. Rejection of the Respondent candidature only on the ground that he was outsider was also in conflict with the permission granted by the Hon"ble Supreme Court in Civil Appeal No. 5342 & 5343 of 2003 which were decided along with Civil Appeal Nos. 5376 of 2003.

7. All these issues have been well considered by the learned Single Judge in the impugned dated 13th September, 2010.

8. We do not find any illegality in the said impugned judgment and there is no merit in the appeal.

9. In view of the above, we direct the Appellant to comply with the directions and give appointment to the Respondent within a period of thirty days from today.