

(2013) 11 JH CK 0093
In the Jharkhand High Court
Case No : WP (S) No. 3616 of 2013

Tinkal Kumar Choudhary and Others	Vs	APPELLANT
The State of Jharkhand and Another		RESPONDENT

Date of Decision : 13-11-2013

Acts Referred:

Citation : (2013) 4 JLJR 621

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Ananda Sen and Nagmani Tiwari, for the Appellant; Ram Nivas Roy, for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.—The petitioner has approached this Court seeking quashing of the order dated 20.3.2013. Heard learned counsel appearing for the parties and perused the documents on record.

2. The brief facts of the case are that, the petitioners were working on daily wages as Data Entry Operator. An advertisement was issued in which the petitioners appeared and participated in the selection process, however since they were not selected, they were not offered appointment. They filed representation and since representation of the petitioners were not decided, they approached this Court by filing W.P. (S) No. 6965 of 2012 which was disposed of by order dated 11.1.2013 directing the Deputy Commissioner, Pakur (respondent No. 2) to decide the representation of the petitioners. Pursuant to order passed by this Court, the claim of the petitioner has been adjudicated and by an order dated 20.3.2013, the claim of the petitioners has been rejected.

3. Learned counsel appearing for the petitioners has submitted that in the advertisement it has not been indicated that the marks obtained in the cycle test would be added for preparing the final list of successful candidates, however, in the impugned order dated 20.3.2013, it appears that the claim of the petitioner

has been rejected by taking into account the marks obtained in the cycle test and interview.

4. Mr. R.N. Roy, learned G.P.-III appearing for the respondents has submitted that this was the criteria decided by the selection committee and it is not the case of the petitioner that only in the case of the petitioner it has been done, rather the list of successful candidates has been prepared taking into consideration the overall performance of the candidates in the written examination, interview and the cycle test. Finally, it has been found that the petitioners could not be offered appointment because they could not reach the minimum cut-off marks.

5. On a perusal of the impugned order dated 20.3.2013, I find that the cut-off marks for appointment in the general category as well as in the scheduled caste category was 60, whereas the petitioner namely Amit Hazra has obtained only 40 marks and the maximum marks obtained by other petitioners is 52 only.

6. The learned counsel appearing for the petitioner has informed that the total marks allotted for cycle test was 10 and therefore, I am of the view that even if the total 10 marks is excluded from aggregate cut-off mark, the petitioners would not have qualified as they would not have reached the minimum cut-off marks for selection. I find no merit in the writ petition and accordingly it is dismissed.