

(2009) 03 JH CK 0107
In the Jharkhand High Court

Varun Kumar Pandey and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-03-2009

Acts Referred:

Citation : (2009) 2 JCR 345

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Prayer in this writ application is for issuance of a writ of mandamus commanding upon the respondents to publish the results of those candidates who had appeared at the Trained Teachers Examination held on 10.8.2008, by following the criteria of selection as per advertisement No. 05/07 dated 21st April 2007 in accordance with the subsequent advertisements dated 14.8.2007 and 27.10.2007.

A further prayer has been made to direct the respondents to reject the candidature of those candidates who had illegally received the forms for appearing at the examination, even though they did not possess the requisite qualifications as per the criteria laid down in the advertisement.

2. Counter-affidavit has been filed on behalf of the respondent JPSC.

3. Heard learned Counsel for the petitioners and the learned Counsel for the respondent JPSC.

4. Learned Counsel for the petitioners would explain that the examination for the appointment of Primary Trained Teachers was held on 10.8.2008. Prior to that, advertisement was issued by the JPSC in which eligibility criteria was stipulated. Certain modifications were made in the eligibility criteria which were declared in the subsequent two advertisements. The application form for appearing at the examination could be allotted to those candidates only who possessed requisite qualifications as per the eligibility criteria and those, who did not possess the requisite qualifications and fulfill the criteria, could not have been allotted the

application forms, but some of the candidates who had obtained the application forms by illegal means, had submitted their respective applications.

Expressing apprehension that non-deserving candidates may gain illegal entry in the arena of employment, thereby depriving the genuine and eligible candidates, learned Counsel submits that before publishing the results of the examination held on 10.8.2008, the respondent JPSC must be directed to ensure that the candidature of each of the candidates who had appeared at the examination, must be scrutinised and thereafter, results should be published, since this would ensure that all the non-deserving and unqualified Candidates are delisted and results of only those genuine candidates possessing all the requisite qualification on the date of filing their respective applications, should be published.

5. Counsel for the respondent JPSC, in his attempt to allay the fears and apprehensions of the petitioners, would explain that even according to the advertisements referred to by the petitioners, applications were to be collected by the individual candidates from the office of the District Superintendent of Education of their respective districts. All such applications collected in the individual districts, were received in the office of the JPSC and thereafter admit cards were prepared to enable the candidates who had applied to appear at the examination. On the basis of the check list prepared by the office of the JPSC, the respondent JPSC had issued admit cards to the candidates. Learned Counsel explains that mere issuance of admit cards and allowing the candidates to appear at the examination, in itself, does not give any right to any candidate to raise any claim for his appointment nor would the declaration of the results of the examination, vest any right in the candidate for his claim for appointment because before issuance of letter of appointment to any candidate even if declared successful at written examination, there is a stipulation as laid down in the Rules and Procedure of the JPSC that scrutiny of each of the candidates shall be made to ascertain whether the candidate does possess requisite qualification and eligibility criteria. Learned Counsel submits that in this view of the matter, even if the results are published, scrutiny of the candidature of the individual candidates would ensure elimination of such candidate who could be detected ineligible and unqualified.

6. From perusal of the contents of the writ application, it appears that at paragraph-17 of the writ application, names of as many as six candidates have been mentioned indicating therein that these candidates had obtained B.Ed degree in respect of Session 2007-08 which obviously suggests that they could not have been found eligible for appearing at the Examination for appointment of Primary Trained Teachers which was held in the month of August 2008. In paragraph-18 of the writ petition, names of two more candidates have been mentioned, having the same defect.

Apparently, statements contained in paragraphs-17 and 18 of the writ application, are statement of facts which would be subject of scrutiny and verification and no specific order either to eliminate such persons named in the

aforesaid paragraphs or to allow them, can be passed in this writ application.

Nevertheless, considering the fact statements made by the petitioners on affidavit, it would be appropriate that the respondent JPSC shall, before publishing the results of the examination, make scrutiny of the applications of the candidates named at paragraphs-17 and 18 of the writ application, in order to assess as to whether such candidates do possess the requisite qualifications to enable them to appear at the examination and thereafter, take appropriate decision as far as publication of the results of these candidates is concerned.

7. With these observations, this writ application is disposed of.