

(2017) 01 JH CK 0085

In the Jharkhand High Court

Case No : W.P.(C) No. 1069 of 2012 with I.A. No. 5646 of 2016

Vinit Kumar

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 25-01-2017

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17
Constitution of India, 1950 — Article 226

Citation : (2017) 2 AIRJharR 132

Hon'ble Judges : Mr. Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mr. Rupesh Singh, Advocate, for the Petitioner; Mr. Sanjay Piprawall, Advocate, for the JPSC

Final Decision : Dismissed

Judgement

Mr. Shree Chandrashekhar, J.—I.A. No.5646 of 2016

This application has been filed seeking amendment in the prayer of the writ-petition by incorporating the following prayers :

"1(v) To call upon the respondents particularly respondent no.3 & 4 to produce the final result of the Preliminary test, the Mains examination and Marks of Interview conducted in pursuance of advertisement no.7/2010 in relation to 4th JPSC Combined State Civil Services Examination and quash /set aside the same as being in violation of Article 14 and 16 of the Constitution of India, arbitrary, unfair, malafide and against the procedure establish under law.

1(vi) For a declaration that the quantum of reservation exceeding 50% against the notified vacancy in the Preliminary Test Examination as violation of Article 14 and 16 of the Constitution of India and against the law laid down by the Hon"ble Supreme Court in the case of Appse v. Baloji Badhavath and ors. reported in (2009) 5 SCC-1.

1(vii) For a declaration that the method of evaluation i.e. statistical methodology

adopted by the respondents does not find its existence in the JPSC Rules of Procedure 2002 and therefore the impugned action amounts to change in procedure after the commencement of selection process adversely affecting the rights of the petitioner and similarly situated candidates.

1(viii) For a declaration that the result published by the respondent no.4 pursuant to advertisement no.7/2010 is against the law laid down by the Hon''ble Supreme Court in the case reported in (2007) 3 SCC- 720 and judgment dated 20.02.2013 in SLP (civil) No.11977-11978/2012 and that the JPSC has got no authority to amend the result time and again finding the model answers to several questions to be wrong. 1(ix) For a declaration that the question sets of 4th Combined Civil Service Preliminary Examination consisting of exact repetition of several questions of UPSC preliminary examination held in the year 2007 as indicated in supplementary affidavit by the petitioner dated 25.06.2012 is illegal, unfair, malafide and aimed at malpractices affecting free and fair examination and hence the entire result declare pursuant to 4th Combined Civil Service Preliminary Examination fit to be cancelled."

2. Initially the writ-petition was filed with the following prayers :

"i. For issuance of a writ or writ in the nature of certiorari cancelling the 4th Combined Civil Services Preliminary Test conducted in pursuance of advertisement no.07/2010 issued by Jharkhand Public Service Commission which is carried in utter violation of the principle of fair play and justice.

ii. For issuance of writ in the nature of mandamus issuing direction upon the respondent Commission to re-conduct a fresh preliminary test with respect to Advertisement no.07/2010 of 4th Combined Civil Services Preliminary Test issued by Jharkhand Public Service Commission.

iii. For declaration that the preliminary test conducted by the Jharkhand Public Service Commission was conducted without adherence to the legal principles and the practise for fair play and thus it has entered into an irregularity and injustice to one candidate and favour to other.

iv. For issuance of any appropriate relief(s) for which the petitioners are found entitled to in the facts and circumstances of this case. And/or

v. For the issuance of any other appropriate writ(s)/order(s)/ direction(s) for doing conscionable justice to the petitioners."

3. The learned counsel for the petitioner submits that the amendments sought through I.A. No.5646 of 2016 are all inter-connected and necessary in view of the counter-affidavit filed by the respondents.

4. Mr. Sanjay Piprawal, the learned counsel appearing for respondent-JPSC vehemently opposes the application seeking amendment, contending that now by the proposed amendments the petitioner is trying to bring substantial changes in the original prayer which cannot be permitted, and that too, after a

counter-affidavit has been filed by the respondents.

5. The prayers sought to be incorporated through application for amendment are varied and intend to seek a roving enquiry in the matter. Original grievance of the petitioner was in respect of the result of preliminary test. He was not selected for appearing in the mains examination, however, he has made such prayers which would require an enquiry into the result published for mains examination as well as for the interview. I am of the opinion that such varied amendments cannot be permitted to be incorporated in a writ-petition which was filed on a simple grievance against the result for preliminary test.

6. I.A. No. 5646 of 2016 stands dismissed.

W.P. (C) No. 1069 of 2012

7. Post the matter on 29.03.2017.