

(2015) 01 JH CK 0126
In the Jharkhand High Court
Case No : WP(C) No. 191 of 2014

Wajid Hussain

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-01-2015

Acts Referred:

Citation : (2015) 2 JLJR 286

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Navneet Sahay, for the Appellant; Sunil Kumar Sinha, Advocates for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.

1. Aggrieved by order dated 23.12.2013 whereby, the respondent-Jharkhand Academic Council dismissed the representation of the petitioner, the petitioner has preferred the present writ petition. Briefly stated, pursuant to Advertisement No. 95 of 2012 published on 18.11.2012, the petitioner appeared in the examination, which was held on 26.4.2013. The result of the said examination was published on 28.5.2013 however, the result of the petitioner was not published on the ground of "non-compliance of Teachers Training Course". The petitioner made representation before the respondent-Jharkhand Academic Council however, the grievance of the petitioner was not redressed and therefore, the petitioner approached this Court in W.P.(C) No. 4795 of 2013, which was disposed of vide order dated 10.12.2013 directing the respondent-Jharkhand Academic Council to consider the representation of the petitioner and to pass appropriate order within ten days. Accordingly, the petitioner's representation has been disposed of vide order dated 23.12.2013 challenging which, the present writ petition has been filed.

2. A counter-affidavit has been filed on behalf of respondent-Jharkhand Academic

Council stating that in terms of Advertisement No. 95 of 2012, a candidate was required to submit Teachers Training Course certificate within the prescribed period by speed post, that is, on or before 13.5.2013. The respondent-Jharkhand Academic Council issued a press notice dated 21.5.2013 requiring the candidates, who could not submit their Teachers Training Course certificate within the prescribed period to submit the same on or before 24.5.2013 through email in "PDF format", The certificate allegedly sent by the petitioner through email on 22.5.2013 was not received in the office of the respondent-Jharkhand Academic Council and therefore, it could not have been considered.

3. Heard learned counsel appearing for the parties.

4. The learned counsel appearing for the petitioner submits that once the time for submitting the original statement/mark-sheet of Teachers Training Course has been extended and the candidates were permitted to send their certificates between the period 21.5.2013 and 24.5.2013, the respondent-Jharkhand Academic Council was under a duty to publish the result of the petitioner.

5. As against the above, Mr. M.S. Anwar, the learned senior counsel appearing for the respondent-Jharkhand Academic Council reiterated the stand taken in the counter-affidavit and submitted that since the certificate of Teachers Training Course allegedly sent by the petitioner through email was not received in the office of the respondent-Jharkhand Academic Council, it could not have been considered. It is further submitted that the impugned order dated 23.12.2013 does not suffer from any infirmity and therefore, no interference is required in the present matter.

6. I have carefully considered the submission of the learned counsel for the parties and perused the documents on record.

7. A copy of Advertisement No. 95 of 2012, which has been filed in the connected writ petition W.P.(C) No. 939 of 2014, reveals that a candidate was required to submit the certificate of the qualifying examination by speed post within the time prescribed by the Jharkhand Academic Council, failing which the candidature of the candidate would automatically be cancelled. There is no dispute that a candidate was required to submit certificate on or before 13.5.2013. On a pointed query, when the petitioner obtained his certificate of Teachers Training Course, the learned counsel for the petitioner informs the Court that the petitioner was issued provisional certificate on 13.3.2012. In the present proceeding, the petitioner has not disclosed the reason why he could not submit his certificate on or before 13.5.2013. Moreover, the petitioner has admitted that he sent his certificate through email on 23.5.2013 which due to technical snag could not be delivered in the office of the Jharkhand Academic Council. This aspect of the matter has been considered by the Chairman, Jharkhand Academic Council, who in pursuance of order dated 10.12.2013 in W.P. (C) 4795 of 2013 has rejected the claim of the petitioner. I am of the opinion that in these facts, a mandamus cannot be issued to the respondent-Jharkhand

Academic Council. I find no infirmity in the impugned order dated 23.12.2013 and therefore, this writ petition stands dismissed.