Sateyndra Kumar Tripathi Vs Jharkhand Public Service Commission and Another

Court: Jharkhand High Court

Date of Decision: July 11, 2013

Acts Referred: Constitution of India, 1950 â€" Article 16

Hon'ble Judges: S. Chandrashekhar, J; Narendra Nath Tiwari, J

Bench: Division Bench

Advocate: A.K. Sahani, for the Appellant; Rajesh Shankar, for the Respondent

Final Decision: Dismissed

Judgement

1. This appeal is against the order dated 18.7.2012 passed by learned Single Judge in W.P. (S) No. 6024/2011. The said writ petition was filed

challenging the order of the petitioner''s removal from service. The appellant''s case was that initially he was appointed on 1.10.2004 as Peon and

allowed to continue as such till 31.3.2005. His services were further extended and he was posted as Typist-cum-Clerk on contract basis. By order

dated 1.10.2011, the respondents-J.P.S.C terminated the term and the petitioner has been rendered jobless.

2. The appellant has assailed the said order on the ground that he was engaged on ad hoc basis and instead of making permanent appointment, the

respondents have appointed other persons on ad hoc basis, by terminating the services of the petitioner. The order of his removal is wholly

arbitrary, discriminatory and illegal.

3. Learned counsel appearing on behalf of the respondents-J.P.S.C. submitted that no ad hoc appointment was made for the same kind of job, as

alleged. The instance cited by the appellant is that of the engagement of Computer Data Operators. The appellant never worked as Computer

Data Operator. His services were taken as Typist-cum-Clerk. The said allegation is, thus, wholly baseless.

4. Having heard learned counsel and considered the facts and materials on record, we find substance in the submissions of learned counsel for the

respondents. Learned Single Judge has found that the appellant was appointed without following the legal procedure of public appointment in

violation of Article 16 of the Constitution of India.

5. The order of learned Single Judge is well discussed, sound and legal.

6. We find no infirmity in the impugned order of learned Single Judge. This appeal is, accordingly, dismissed.