Rajeshwar Mahto Vs State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: March 7, 2013

Citation: (2013) 2 AJR 415

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: R. Krishna and A.K. Sinha, for the Appellant; Sunil Singh, JC to SC-II, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Aparesh Kumar Singh, J.
Heard counsel for the parties. The petitioner is seeking a direction upon the respondent authorities of the State

of Jharkhand specially respondent Nos. 2 and 3 i.e., the Secretary, Human Resources Development Department, Government of Jharkhand and

the Director, Secondary Education, Government of Jharkhand to issue appointment letter in his favour on the basis of the result published by the

Vidyalaya Sewa Board, Patna, Bihar (respondent No. 4) on 21st May, 1999.

2. Counsel for the petitioner submits that the petitioner had applied in pursuance of an advertisement issued by the Vidyalaya Sewa Board, Patna,

Bihar vide Advertisement No. 1/1988 for appointment against the subject of Mathematics. Subsequently thereafter, another advertisement was

also issued in the year 1995 and the list of successful candidates comprising in the panel were declared on 21st May, 1999 (Annexure-3). Counsel

for the petitioner submits that being aggrieved by declaration of the result by Vidyalaya Sewa Board, Patna, Bihar, certain candidates who had

applied for the post of Biology teacher, approached the Patna High Court vide CWJC Nos. 2994/2000, 7732/2000, 8926/2000 and 9259/2000.

Patna High Court disposed of the writ petitions on 15th February, 2001. Counsel for the petitioner submits that the respondent State of Jharkhand

also should have responded to the recommendation of the Vidyalaya Sewa Board, Patna, Bihar giving him appointment against the post of

Mathematics in Secondary School under the respondent Government of Jharkhand.

3. Counsel for the respondents, on the other hand, submits that the respondent State of Jharkhand is not bound to implement the recommendation

of the Vidyalaya Sewa Board, Patna, Bihar which was made before the formation of the State. It is further submitted that the appointment of the

petitioner cannot be made out of the panel which has already been cancelled. Counsel for the respondents further submits that Letters Patent

Appeal Nos. 1347/2001 and 1435/2001 and other cases have been preferred before the Division bench of the Patna High Court against the

judgment passed by the Learned single Judge in other case relied upon by the petitioner. However, the State of Jharkhand has come into existence

on 15th November, 2000 and separate recruitment process through the Agency determined by the respondent State of Jharkhand, have been

conducted from time to time and the petitioner cannot be allowed to seek appointment on the basis of the recommendation of the Vidyalaya Sewa

Board, Patna, Bihar.

4. I have learned counsel for the parties. The petitioner is relying upon the recommendation dated 21.5.1999 which, in fact, is a panel comprising

of several persons including that of the petitioner, as contained at annexure-3, whereas the writ petition has been preferred more than one year of

the preparation of the panel on 9th July, 2001. The respondent State of Jharkhand had, in the meantime, come into existence on 15th November,

2000 and the respondent authorities have thereafter taken the subsequent exercise at regular interval for filling up the vacancies in its Secondary

Schools through competitive examinations conducted from its own Agency. In that view of the matter, since the panel cannot said to be of

unlimited duration or it cannot said to be a reservoir of unlimited resources to enable the petitioner to claim appointment on the basis of a panel

prepared by the erstwhile State of Bihar 21st May, 1999 for claiming appointment under the respondent authorities, I do not find any reason to

interfere in the writ petition. It is accordingly dismissed.