

(2013) 03 JH CK 0008**Jharkhand High Court****Case No:** Writ Petition (S) No. 2936 of 2001

Rajeshwar Mahto

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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 be said to be of unlimited duration or it cannot be 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.