

(2013) 07 JH CK 0043
Jharkhand High Court
Case No: WP (S) No. 7722 of 2012

Md. Khurshid Anwar

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: July 9, 2013

Citation: (2013) 3 JLR 588

Hon'ble Judges: S. Chandrashekhar, J

Bench: Single Bench

Advocate: Birendra Kumar Jha, for the Appellant; Rakhi Rani and Mr. Shravan Kumar, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

S. Chandrashekhar, J.

This writ petition has been filed seeking quashing of advertisement dated 21st October, 2011, which was issued for selecting Jansevak and with a further prayer for issuance of direction to the respondents for issuance of fresh advertisement for conducting examination. The brief facts of the case are that, the petitioner being a candidate appeared in the examination pursuant to advertisement dated 21st October, 2011 as an O.B.C. candidate. After publication of result, the petitioner found that serious irregularities were committed in selecting the candidates and therefore, he moved before this Court seeking quashing of advertisement dated 21st October, 2011.

2. A counter-affidavit has been filed in which the procedure, how the posts were filled up, has been given. Para Nos. 13 & 17 of the counter-affidavit are as under:

13. That with regard to the statement made in paragraphs-5, 6 & 7 of the writ petition it is state that it is a fact that as per procedure fixed by the Agriculture and Sugarcane Development, Government of Jharkhand, Ranchi, the application for the

post of VLW (Village Level Workers) were to be accepted at the district level. The application forms were made available to the Deputy Commissioner, Dumka district for supply to the candidates of Dumka district on payment of fixed price. Accordingly applications of the candidates of Dumka district were deposited in the district of Dumka. Thereafter all the application received in Dumka district for appointment of VLW were sent to the Secretary to Agriculture and Sugarcane Development, Government of Jharkhand, Ranchi, and Admit cards were issued to the candidates of the Dumka district directly from State Level through an agency Merit Trac Services Pvt. Ltd.

The written examination of the candidates of Dumka district was held at Dumka. For this question paper were made available from State Level to the Deputy Commissioner, Dumka.

That after Examination the answer books of the candidates were handed over to the Merit Trac Services Pvt. Ltd. An agency nominated by Agriculture and Sugarcane Development, Government of Jharkhand, Ranchi and thereafter the result of the candidates who appeared in the written test was published by the same agency Merit Trac Services Pvt. Ltd.

That the agency nominated by Department i.e. Merit Trac Services Pvt. Ltd. has published the result in accordance with the directions of the Agriculture and Sugarcane Development, Government of Jharkhand, Ranchi. The District Administration had no control over the result published and the category-wise list declared by the said agency Merit Trac Services Pvt. Ltd. till the time it was published by it on website.

17. That with regard to the statement made in paragraph-11 of the writ petition it is stated that it is a fact that as per the Government notification No. 2020 dated 9.4.2010 the prescribed rate of different categories of reservation in appointment in Dumka district are as follows:--

(i) For General Category.-50% (Universal Category)

(ii) For Scheduled Tribe Category-45%

(iii) For Scheduled Caste Category-05%

That therefore the District Administration has invited the successful candidate as per the merit list published by Merit Trac Services Pvt. Ltd. But in accordance with the actual vacancies for the District as per reservation quota. The present vacancy roster clearance of Dumka district comes out to be for unreserved 40 seats, Scheduled Caste 5 seats and Scheduled Tribe 35 seats.

That this fact about possibility of change in vacant seats is also published even in the said advertisement dated 21.10.2011 in Hindi daily newspaper Dainik Jagran (Refer note to paragraph-4 of Annexure-II) and hence the respondent authorities have

acted as per the rules and Government notification.

3. Heard the learned counsel for the parties and perused the documents on record.

4. Learned counsel appearing for the petitioner has submitted that even though there was no vacancy for O.B.C. candidates in the District of Dumka, the candidates from other districts have been appointed and statement made in paragraph 10 of the writ petition, has not been specifically controverted by the respondents. Para No. 10 of the writ petition is reproduced as under:--

10. That, it is stated and submitted the respondents also committed serious irregularities by inviting other candidates of the District who filled-up form from the other Districts but given joining in the said District. As per advertisement O.B.C. quota is not available in the District of Dumka but from other District O.B.C. Quota was available and they have been selected in the Dumka. district and depriving the O.B.C. candidate of the said District in which one of the O.B.C. candidate was the petitioner but he has been deprived from O.B.C. candidate.

From the reply given by the respondents in the counter-affidavit, I find. that respondents have also admitted that there was no vacancy in the district of Dumka for O.B.C. candidate. The learned counsel for the petitioner further submits that he has information that some persons belonging to O.B.C. category have been appointed in the district of Dumka however, I do not find any document filed alongwith the writ petition in support of this contention. The respondents have taken a specific stand that no irregularity was committed in the appointments. I am not inclined to interfere in this matter and accordingly, the writ petition is dismissed.