

## Birendra Kumar Ram Vs The State of Jharkhand and Others

**Court:** Jharkhand High Court

**Date of Decision:** Oct. 18, 2013

**Hon'ble Judges:** Aparesh Kumar Singh, J

**Bench:** Single Bench

**Advocate:** S.N. Prasad, for the Appellant;

**Final Decision:** Disposed Off

### Judgement

Aparesh Kumar Singh, J.

Heard learned counsel for the parties. The petitioners in the present writ petitions have sought a direction upon

the respondents to appoint them on class IV post pursuant to the advertisement no. 1 of 2010 issued by the office of the Deputy Commissioner,

Hazaribagh in which they claim to have been declared successful.

2. The results of the selection exercise are enclosed in Annexure-2 to the writ petitions, in which the name of petitioner Birendra Kumar Ram in

W.P.(S) No. 4373 of 2012 appears at serial no. 45, Roll no. 8939 and name of petitioner Lilo Mahto in WP(S) No. 4388 of 2012 appears at

serial no. 36 having roll no. 10765. It is the contention of the petitioners that successful candidates, whose names appear in the panel below to the

petitioners have already been appointed. The recommendation in respect of the petitioner Birendra Kumar Ram was made to the Joint Registrar,

Cooperative Societies, Hazaribagh as also in the office of Principal, Jail Training Institute, Hazaribagh for appointment. However, he was not

allowed to join and no appointment letter was issued to the petitioner. The name of the petitioner Lilo Mahto was recommended to the Principal,

Indira Gandhi Residential Girls School, Hazaribagh and also subsequently to the Executive Engineer, Rural Development (Special Division),

Hazaribagh. These officers have denied the appointment of the petitioner Lilo Mahto.

3. Counsel for the petitioners submits that in similar circumstances several affected persons, who were in the merit list and were denied

appointment by the respective offices even after recommendation of the office of the Deputy Commissioner, Hazaribagh, had approached this

Court in a number of writ petitions being W.P.(S) No. 4497 of 2012 and other analogous cases. It is submitted that in the said case the

respondent- Deputy Commissioner had taken a stand that in view of the subsequent development the left over successful candidates shall be

adjusted in some other departments.

4. In these circumstances, counsel for the petitioners submits that the respondent-Deputy Commissioner should be directed in the present writ

petitions also to consider the case of the petitioners, who are successful in the merit list and have already been recommended, to be adjusted in

other departments by taking an informed decision.

5. Counsel for the State in both the writ petitions have stated that the petitioners' name were recommended for appointment in the respective

offices of Joint Registrar Cooperative Society, Hazaribagh as also in the office of Principal, Jail Training Institute, Hazaribagh in the case of the

petitioner of WP(S) No. 4373 of 2012 and name of petitioner in W.P.(S) no. 4388 of 2012 was recommended for appointment in the office of

Indira Gandhi Girls Residential School, Hazaribagh and the Executive Engineer, Rural Development (Special Division) Hazaribagh but for the

reasons best known to the said departments, these petitioners have not been appointed. However, learned counsel for the respondents submits

that if the petitioners approach the Deputy Commissioner, Hazaribagh for redressal of their grievances, it may be considered in accordance with

law.

6. Having heard learned counsel for the parties, it appears that these petitioners were candidates for appointment to the class IV post pursuant to

Advertisement no. 1 of 2010 issued by the office of the Deputy Commissioner, Hazaribagh. The results for such exercise as contained in

Annexure-2 disclose that the name of petitioner Birendra Kumar Ram appears at serial no. 45 and the name of petitioner Lilo Mahto appears at

serial no. 36 in the merit list annexed as Annexure-2. Recommendations for the appointment have not been accepted by the office of Joint

Registrar, Cooperative Society, Hazaribagh as also the Principal, Jail Training Institute, Hazaribagh and the Principal of the Indira Gandhi

Residential Girls School, Hazaribagh as also the Executive Engineer, Rural Development (Special Division) Hazaribagh. It further appears that in

similar circumstances, in the case of Lakshman Ram Vs. State of Jharkhand and others (W.P.(S) No. 4497 of 2012 and other analogous cases),

the Deputy Commissioner had submitted an undertaking in the said writ petition that left over successful candidates shall be adjusted in some other

departments.

7. In these circumstances, both the writ petitions are also disposed of by directing the Deputy Commissioner, Hazaribagh to take a decision in the

matter of appointment of these petitioners in Class IV post in the district of Hazaribagh on the basis of panel prepared, vide Annexure-2, taking

into account that the recommendation in favour of these petitioners have not been accepted by other departments. Let such a decision be taken

within 12 weeks from the date of receipt of a copy of this order. These writ petitions are, accordingly, disposed of in the aforesaid manner.