
(2014) 3 JLJR 66

Jharkhand High Court

Case No: Cr. Appeal (DB) No. 869 of 2003

Murli Marandi

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision: May 6, 2014

Citation: (2014) 3 JLJR 66

Hon'ble Judges: Dhirubhai Naranbhai Patel, J; Amitav Kumar Gupta, J

Bench: Division Bench

Advocate: Amrita Banerjee, Amicus Curiae, Advocate for the Appellant; Shekhar Sinha and R. Mukhopadhyay, Advocate for the Respondent

Judgement

Dhirubhai Naranbhai Patel, J.

Despite our order dated 16th April, 2014, the Chief Secretary of the State of Jharkhand has not filed an affidavit to place before this Court the action plan for the appointment of the Deposition Writers in all the district courts of the State of Jharkhand. We have pointed out in order dated 16th April, 2014 that there is dire need of appointment of the Deposition Writers. There are as many as 410 Judges working in the State of Jharkhand and 116 posts are to be filled up because examination of the candidates is going on. There shall be approximately 526 Judges in the district Courts of the State of Jharkhand. There is not a single Deposition Writer, so far, appointed by the State since November 2000 onwards i.e. the date on which the State has been bifurcated from erstwhile the State of Bihar. Phase-wise appointment could have been done. It appears that there is no will with the State, otherwise, where there is no will, always there is no way.

2. We therefore, direct the State of Jharkhand initially to appoint minimum 150 Deposition Writers in the District Courts of the State of Jharkhand so that in the second-Phase and later on in phase no. 3. further Deposition Writers may be appointed, till the rules are made for the appointment of the post of Deposition Writers, the qualification and salary of which may be of the post of Typist in the State of Jharkhand because main work of the Deposition Writer is of the nature of Typist.

3. This Court has to do administrative work of the State of Jharkhand because the State of Jharkhand has not come out with the action plan. We have mentioned in our order dated 27th March 2014 that in this case, we are unable to read the depositions nor the counsel for the appellants nor the counsel for the State-A.P.P. was able to read. We had called Mr. N.N. Pandey. I.A.S. Principal Secretary. Home Department. Government of Jharkhand. Ranchi and he was also unable to read the depositions. We have scanned the depositions in our order dated 27th March, 2014. This is a double murder case. The Judges of the trial court cannot write depositions for the whole day. More than one decade is over after bifurcation of the State. The administrator of the State should have thought it proper to appoint Deposition Writer. For appointment of minimum 150 Deposition Writers, the State will immediately frame rules and sanction the same, The exercise of advertisement and appointments etc. will be completed as early as possible, in no case later than eight weeks from today. This exercise will be monitored by the Chief Secretary of the State of Jharkhand and he shall file an affidavit on the next date of hearing about the compliance of this order. This order is to be read with the order passed by this Court dated 27th March, 2014 as well as the order passed by this Court dated 16th April, 2014 for proper appreciation of the dire need of appointment of Deposition Writers.

4. Paragraph 5 of the order dated 27th March, 2014 reads as under:--

We are also constrained to pass the order because we have following types of depositions with us:--

5. This matter is adjourned to be listed on 23rd June, 2014. The Registrar General of this Court is directed to supply a copy of This order to:-

(a) The Chief Secretary of the State of Jharkhand, Ranchi; and

(b) The Principal Secretary, Home Department, Government of Jharkhand, Ranchi.