

Harun Rashid Vs. District Administration

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Court : Jharkhand

Decided On : Aug-31-2013

Appellant : Harun Rashid

Respondent : District Administration

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S). No. 4497 of 2012 Lakshman Ram Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4314 of 2012 Sanjay Kumar Mehta Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4340 of 2012 Gyani Yadav Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4344 of 2012 Raj Kumar Ram Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4345 of 2012 Imtiyaz Ahmad Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4349 of 2012 Ram Krishna Pandey Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4350 of 2012 Md. Mojamml Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4353 of 2012 Sanjay Kumar Singh Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4361 of 2012 Harun Rashid Petitioner Versus The State of Jharkhand & others Respondents with W.P.(S). No. 4365 of 2012 Sarju Prasad Mehta Petitioner Versus The State of Jharkhand & others Respondents With W.P.(S). No. 5416 of 2012 Anant Agustin Kerketta Petitioner Versus The State of Jharkhand &

others Respondents ----- CORAM: HONBLE MR. JUSTICE APARESH KUMAR SINGH For the Petitioner : Mr. Sujit Narayan Prasad For the Respondents : Mr. Ajit Kumar, A.A.G. -2- 09/31.08.2013 Let W.P.S. No. 5416 of 2012 be de-linked from the instant batch of writ petitions as, the case of the said petitioner is different from the present writ petitioners. The petitioners in these writ petitions, had approached this Court for a direction upon the respondents to appoint them on the Class-IV post pursuant to the advertisement no.1 of 2010 in which they claimed to have been declared successful. The results are enclosed as Annexure-2 to the W.P.S. No. 4497 of 2012 and are also enclosed in other writ petitions as well. These petitioners have been placed at serial nos. 49,37,26,33,24,31,23,28,40 and 34 of the merit list as contained at Annexure-2 issued by the office of Deputy Commissioner, Hazaribag which is final list of the panel prepared for appointment to Class-IV post. The grievances of the petitioners are that persons who are below in the panel from Serial Nos. 50 to 62 were appointed in different offices in the district of Hazaribag out of the same panel of Class-IV post. In such circumstances, it is also contended on behalf of the petitioners that though their names were recommended for appointment to different departments within the District of Hazaribag such as to the Jail Training Institute and on refusal of the department to accept their joining, they were again directed to report to the Rural Development Special Division, Hazaribag by the recommendation of Deputy Commissioner, Hazaribag on the basis of said panel but they have not been issued any appointment letter for the reasons best known to the respondents. In these circumstances, earlier an affidavit was filed on behalf of the Deputy Commissioner, Hazaribag dated 1.10.2012 inter-alia stating that the answering respondents had recommended the case of the petitioner on the basis of the merit list prepared by the District Level Panel Construction Committee for appointment to various Class-IV posts in the District of Hazaribag to such authority like Principal, Jail Training Institute, Hazaribag. However, when such appointment letter was not issued by the concerned authority names were further recommended to the Rural Development -3- Department and other departments in each individual cases but for reasons best known to them such appointments were not carried out. In such circumstances, the respondents were allowed further time to file affidavit in their response in the matter. In such circumstances, individual

separate affidavits have been filed on behalf of the Deputy Commissioner, Hazaribag, respondent no.2 in each of these cases. In the said affidavits filed on 20.8.2013 in the instant W.P.S. No. 4497 of 2012 and in other connected cases filed thereafter on his behalf, the Deputy Commissioner, Hazaribag has taken a stand as reflected in para 10 that the District Level Panel Construction Committee has held its meeting on 14.8.2013 for considering the cases of appointment of left over candidates. It has been decided that the left over successful candidates shall be adjusted in some other departments . In the said affidavit once again it has been stated on behalf of the Deputy Commissioner that the Rural Works Department, Special Division and other departments have refused to appoint the candidates whose names have been recommended by the District Panel Construction Committee for such appointment. It has further been stated in the said affidavit that petitioners along with other similarly situated persons are likely to be appointed in short span of time. I have heard learned counsel for the parties and gone through the relevant materials on record. In the aforesaid circumstances and in view of the undertaking given on behalf of the Deputy Commissioner, Hazaribag as referred to herein above, these writ petitions are disposed of by directing the Deputy Commissioner, Hazaribag to act in terms of their undertaking in the matter of appointment of these petitioners on class IV post in the district of Hazaribag on the basis of the panel prepared vide Annexure-2 to W.P.S. No. 4497 of 2012 dated 14.9.2010 within a period of 12 weeks from the receipt of the copy of this order. The writ petitions are disposed of in the aforesaid terms. (Aparesh Kumar Singh, J.) J.K./ A. Mohanty