

Samarjit Kumar Vs. Police

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Court : Jharkhand

Decided On : Aug-23-2013

Appellant : Samarjit Kumar

Respondent : Police

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S). No. 4442 of 2013
Samarjit Kumar Petitioner Versus The State of Jharkhand & others
Respondents ----- CORAM: HONBLE MR. JUSTICE APARESH KUMAR
SINGH For the Petitioner : Mrs. Vandana Bharti For the Respondents : J.C. to
G.P.VI 02/23.08.2013 Heard counsel for the parties. Petitioner has approached
this Court for directing the respondents to appoint him on the rank of Police
Constable in response to advertisement no. 1 of 2004 under which he claims to
have applied for the District Koderma. Petitioner has also sought quashing of letter
no. 3.5.2013 by which he has been informed by the Office of Superintendent of
Police(Confidential Cell), Koderma that he had obtained only 17 marks while those
in the Home Guard category who have been appointed have obtained 19 marks. It
has also been informed that the process of appointment under the advertisement
no. 1 of 2004 has now been stopped under the direction of the Head Quarters, as
the same is now barred by time as well. Therefore, petitioner cannot be appointed.
Petitioner has relied upon the judgment passed in the case of Dhananjay Kumar in
W.P.S. No. 4966 of 2009 wherein the said person was directed by this Court to
appear for re-measurement of his height and chest. Accordingly, the Civil Surgeon

- cum- Chief Medical Officer, Hazaribag submitted his report regarding the re-measurement of the said petitioner certifying that his height is 177.6 cm, chest in full expression is 100 cm and full inspiration is 108 cm. On that basis the said petitioner was found to be entitled for 19 points. In such circumstances, the said petitioner was directed to be appointed by the order of this Court dated 20.6.2013 in W.P.S. No. 4966 of 2009(Annexure-6). In the present case, however, it appears that the writ petitioner has approached this Court after passing of the said judgment dated 20.6.2013 in W.P.S. No. 4966 of 2009 by filing the said writ petition on 23.7.2013. From perusal of the record it appears that petitioner himself has -2- made representation vide Annexure-3 and 3/A dated 30.4.2013 after almost 9 years of issuance of advertisement no. 1 of 2004 raising his grievance relating to his appointment before the respondents. On such representations, communication dated 3.5.2013(Annexure-4) has been issued. On perusal of the said communication dated 3.5.2013 it reveals that appointment process has been treated to be time barred on the direction of Police Head Quarters as the advertisement was of the year 2004. Petitioner was found to have obtained 17 out of 19 marks. At this stage, therefore, after 9 years of issuance of advertisement, the respondents cannot be said to have committed any illegality in taking a decision that the appointment process under advertisement no. 1 of 2004 has become time barred. The judgment relied upon by the petitioner vide Annexure-6 in W.P.S. No. 4966 of 2009 was preferred, as evident in the year 2009 itself alleging that the measurement of the height and chest of the said petitioner under the said advertisement no.1 of 2004 is required to be re- verified. In the instant case, however at this belated stage such relief cannot be allowed to the petitioner. Learned counsel for the petitioner submitted that the second list of the result was published on 5.2.2009 and after that he has made representation. However, even reckoning from the said date also it appears that petitioner has preferred the writ petition in July, 2013 after almost more than 4 years. In that view of the matter, the writ petition being devoid of any merit and preferred after 9 years of the said advertisement no. 1 of 2004 is accordingly dismissed. I.A. No. 5536 of 2013 also stands rejected. (Aparesh Kumar Singh, J.) A. Mohanty