

Ashok Gope Vs. Labour

Ashok Gope Vs. Labour

SooperKanoon Citation : sooperkanoon.com/110928

Court : Jharkhand

Decided On : Aug-23-2017

Appellant : Ashok Gope

Respondent : Labour

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (S) No. 5433 of 2015

=====

Ashok Gope, S/o Surendra Nath Gope Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
 3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
 4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi
 5. The Director, Labour Employment and Training Department, Ranchi. ...
- Respondents.

=====

For Petitioner : Mr. Niranjan Kumar, Advocate For Respondents : Mrs. Richa Sanchita, Advocate

=====

With W.P. (S) No. 5425 of 2015

=====

Naween Roshan Topno, S/o Sri Jiwan Topno Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi
5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====

For Petitioner : Mr. Niranjan Kumar, Advocate For Respondents : Mr. Amiya Kumar, JC to SC (L &C)

=====

with W.P. (S) No. 5427 of 2015

=====

Diwakar Paswan, S/o late Jagdish Paswan Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi
5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====

For Petitioner : Mr. Niranjan Kumar, Advocate For Respondents : Mr. Ravi Kumar,

JC to SC-II

with W.P. (S) No. 5432 of 2015

Rajanish Kumar Ranjan, S/o Jivdhan Ram Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi
5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

For Petitioner : Mr. Niranjan Kumar, Advocate For Respondents : Mrs Chandra Prabha, SC-IV Mr. Rohit, JC to SC-IV

with W.P. (S) No. 5436 of 2015

Suresh Kumar Marandi, S/o Babulal Marandi Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi
5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====

For Petitioner : Mr. Niranjan Kumar, Advocate For Respondents : Mr. Atanu Banerjee, G.A Mr. Satish Kumar, JC to G.A

=====

with W.P. (S) No. 5450 of 2015

=====

Sunil Kumar, S/o Late Yogendra Pandit Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi
5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====

For Petitioner : Mr.Niranjan Kumar, Advocate For Respondents : JC to GP-I

=====

with W.P. (S) No. 5451 of 2015

=====

Shekhar Chandra Puran, S/o Radha Mohan Puran Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi

5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====
For Petitioner : Mr. Niranjn Kumar, Advocate For Respondents : Mrs Chandra Prabha, SC-IV Mr. Rohit, JC to SC-IV

=====
with W.P. (S) No. 5466 of 2015

=====
Naulesh Kumar, S/o Kameshwar Prasad Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi

3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi

4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi

5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====
For Petitioner : Mr. Niranjn Kumar, Advocate For Respondents : JC to Ajit Kumar, Advocate

=====
with W.P. (S) No. 1822 of 2016

=====
Munna Manjhi, S/o Sanichar Manjhi Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi

3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi

4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi

5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====
For Petitioner : Mr. Niranjn Kumar, Advocate For Respondents : Mr. Richa Sanchita,
SC - V

=====
with W.P. (S) No. 3001 of 2016

=====
Jitendra Kumar Singh, S/o Ram Bilash Singh Petitioner. VERSUS1 The State of Jharkhand

2. The Secretary, Labour Employment and Training Department, Ranchi
3. The Secretary, Department of Administrative Reform & Rajbhasa, Govt. of Jharkhand, Ranchi
4. The Secretary, Jharkhand Combined Entrance Competitive Examination Board, Engg. Hostel, Ranchi
5. The Director, Labour Employment and Training Department, Ranchi. ... Respondents.

=====
For Petitioner : Mr. Niranjn Kumar, Advocate For Respondents : Mr. Bharti Singh,
JC to Sr. SC-III

=====
CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK08 23.08.2017 Similar issues are involved in all these writ petitions and as such they have been tagged together and are being disposed of by this common order.

2. The petitioners have approached this Court with a common prayer for a direction upon the respondents for appointment of the petitioners on the post for which they were found suitable, in their respective category. FACTUAL MATRIX3 An advertisement was issued on 08.09.2009 for appointment on non- gazetted posts in Group 'C' through Jharkhand Combined Entrance Competitive Examination. Total number of advertised vacancies under different trades was

504. The petitioners applied in their respective trade and were declared successful in the written examination. Thereafter, they were called for counseling in which they participated and completed all the formalities. However, they were not appointed. In the meanwhile, several appointments were made from the list of successful candidates who had qualified in the written test and were called for counseling. A chart showing the Roll Nos. & counseling date, name of trade, category, total vacancy, appointment letters issued and approved for appointment on 13.09.2015, is reproduced herein below for easy reference:-

Sl. No.	Case Name	Roll No. & Name of Category	Total	Appointment Approved for	No. Number counseling trade Relation Vaca-	letter issued	appointment on date	ncy 13.09.2015
01	W.P.(S) Ashok	4031408107 Turner BC-I3	None of them	2	No. Gope	counseling on Group C54332015	14.12.2010	02
02	W.P.(S) Naweena	4381413046 Motor ST Group 2	None of them	1	No. Roshan	counseling on Chalak C54252015	Topno 14.12.2010	03
03	W.P.(S) Diwakar	4151443099 Plumber SC1	None of them	1	No. Paswan	counseling on Group C54272015	10.12.2010	04
04	W.P.(S) Rajanish	4121405271 Welder General	13	7	2	No. Kumar	counseling on Group C54322015	Ranjan 09.12.2010
05	W.P.(S) Suresh	4121405555 Welder ST74	1	No. Kumar	counseling on Group C54362015	Marandi 09.12.2010	06	W.P.(S) Sunil 4011407538 Electrician General
21	17	2	No. Kumar	counseling on Group C54502015	09.11.2010	07	W.P.(S) Shekhar 4351412067 Mathematics ST	
Group 5	None of them	2	No. Chandra	counseling on C54512015	Puran 11.12.2010	08	W.P.(S) Naulesh 4161453138 Computer BC-II1	
None of them	1	No. Kumar	counseling on Operator Group C54662015	10.12.2010	09	W.P.(S) Munna 4181473027 Mechanic SC		
Group 1	None of them	1	No. Manjhi	counseling on Refrigeration C18222016	10.12.2010	& Air Condition	10	
W.P.(S) Jitendra 4011407021 Electrician BC-I3	None of them	3	No. Kumar	counseling on Group C30012016	Singh 09.11.2010	4.	Mr. Niranjana Kumar, learned counsel appearing on behalf of the petitioners submits that several similarly situated persons were appointed by the respondents, however, the claim of the petitioners, who were found suitable, have been illegally withheld. Learned counsel draws the attention of the Court towards the order dated 27.07.2017 passed by this Hon'ble Court in W.P.(S) No. 702 of 2016. Learned counsel for the petitioners further submits that this writ petition may also be disposed of in terms of the order passed in W.P.(S)	

No. 702 of 2016, granting similar benefits to these petitioners also.

5. Learned counsels appearing on behalf of the respondents very fairly submit that these cases are fully covered by the order passed by this Court in W.P.(S) No. 702 of 2016. Learned counsels for the respondents have no objection if these writ petitions are disposed of in terms of the order passed in aforesaid case.

6. In view of fair submissions made by the learned counsel for the parties and considering the facts that similar issue has already been decided by this Court in W.P.(S) No. 702 of 2016 with detailed reasons and since these writ petitions are also covered by the said decision, the same are being disposed of in terms therein.

7. In view of judicial pronouncements, the case of the petitioners should be considered and it is hereby ordered that, subject to fulfillment of other conditions, if any, respondent No. 2 i.e. Secretary, Labour Employment and Training Department, State of Jharkhand, Ranchi shall issue necessary orders for appointment of the petitioners on the post for which they were selected, in their respective categories. Needless to say that the entire exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.

8. So far case of the petitioner in W.P.(S) No. 5433 of 2015 is concerned, the same will be considered if the petitioner files his BC-I Category certificate before the respondents.

9. Resultantly, these writ petitions stand allowed. (Dr. S.N. Pathak, J.) punit/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com