

**Sanjeev Kumar Vs. Human Resources Department**

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**Court :** Jharkhand

**Decided On :** Sep-21-2015

**Appellant :** Sanjeev Kumar

**Respondent :** Human Resources Department

**Judgement :**

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (S) No. 1389 of 2014  
--- Sanjeev Kumar --- --- --- Petitioner Versus 1. The State of Jharkhand 2. The Secretary, Human Resources Development Department, Govt. of Jharkhand 3. The Director, Secondary Education, Human Resources Development Department, Govt. of Jharkhand 4. Jharkhand Academic Council through its Chairman --- --- Respondents --- CORAM: The Honble Mr. Justice Aparesh Kumar Singh For the Petitioner: M/s Anil Kr. Sinha, Sr. Advocate, Satish Kumar, Advocate For the Resp-State: Mr. Vishal Kr. Trivedi, JC to SC-III For the Resp-JAC: Mr. Rajesh Kumar & Mr. Sunil Kr. Sinha, Advocates --- 03/ 21.09.2015 In the recruitment exercise for the post of Post Graduate Trained Teacher under Advertisement No. 117/2011 issued by the Jharkhand Academic Council, both serving teachers in Secondary Schools with the qualification of Post Graduate (Training) and applicants for direct recruitment with the same qualification were allowed to apply against the 50% quota each in both categories.

2. Petitioner admittedly is a teacher in Up-graded Middle School, Nawadih Pahari who was under deputation at +2 High School, Jainagar. Petitioner despite not being a teacher of the Secondary School, made an application for consideration of

his case in the same recruitment exercise where Column-12 specifically required the applicants to state as to whether he was employed as a teacher in Government Secondary (High) School in Jharkhand. Petitioner is said to have filled up column-12 as 'yes' admitting that he is a teacher in Government Secondary (High) School in Jharkhand. Despite scoring 202 marks which is undisputedly higher than the cut-off marks in unreserved direct recruit category i.e. 196 marks, he was not being appointed.

3. Petitioner approached this Court in WPS No. 94/2013 seeking direction for appointment on the post of Post Graduate Trained Teacher. The writ petition was disposed of vide judgment dated 10.12.2013 (Annexure-3) with a direction to the respondent-JAC to examine the case of the petitioner and if it is found that the petitioner has qualified in the category in which he has applied, a suitable 2. recommendation should be made to the State of Jharkhand. This claim of the petitioner has been declined by the impugned order at Annexure-9 passed by the Chairman, Jharkhand Academic Council dated 29.01.2014 on the ground that the petitioner not being a serving teacher of secondary school, rather on deputation from an Up-graded Middle School to +2 High School, therefore, his case could not be considered for appointment in the 50% quota of such recruitment exercise meant for the serving teachers of secondary school having the Post Graduate Training qualification.

4. Learned Senior Counsel for the petitioner submits that the impugned order has declined the claim of the petitioner as a serving teacher, but if the petitioner had scored more marks in the direct recruit category also than the cut-off marks, there is no reason why his case should not have been considered in the said category by the respondents in the spirit of the observations made in his case in WPS No. 94/2013.

5. Learned counsel for the respondent State submits that the petitioner has claimed appointment as a teacher, though not employed as a teacher in Government Secondary (High) School in Jharkhand by filling up column-12 of the application form (Annexure-3) and could not be treated in the category of direct recruits contrary to his own assertion. It is submitted that the advertisement at

Annexure-2/1 itself clearly provides that the applicants should be either from the serving teachers of Government High Schools having the requisite educational qualification or applicants in the direct recruit category having the same requisite educational qualification. Petitioner cannot improve his case beyond what he applied in the application form under the said advertisement. It is submitted that the directions at Para-6 in the judgment passed in his case, clearly indicates that if the petitioner is found qualified in the category in which he applied, a suitable recommendation should be made to the State of Jharkhand. In that case, since the petitioner applied as a serving Government Secondary (High) School teacher, he cannot improve his case for seeking recommendation. The impugned order therefore does not require 3. any interference as it is completely in line with the conditions of the advertisement.

6. I have considered the submissions of the parties in some detail and gone through the materials on record. Both from the terms of the advertisement and application form filled up by the petitioner accordingly, it is apparent that the petitioner proclaimed himself as a teacher employed in Government Secondary (High) School in Jharkhand while seeking appointment as a teacher in +2 school. Petitioner admittedly is substantively appointed in Elementary School and was not serving even on deputation in Government Secondary (High) School at the time he made such application. Rather, he was serving in +2 school on deputation as per the deputation order at Annexure-1 dated 25.06.2008. If petitioner did not fulfill the specific conditions of advertisement of being a serving teacher of High School on which basis he made an application, he later on cannot improve his case to come in the direct recruit category, if such assertion was not found correct on scrutiny of his application form. The observation made by the learned Single Judge of this Court in the judgment rendered in his case earlier also is to the effect that if it is found that the petitioner has qualified in the category in which he had applied, a suitable recommendation should be made to the State of Jharkhand. Petitioner's application was made in the category of serving teachers, though he was not serving in the High School, rather he was on deputation in +2 High School. Any improvement in the claim of the petitioner at this stage would not only be contrary to the requirement of the advertisement and prescribed application form which he consciously filled, but also in teeth of the observation made in his case earlier by

the learned Single Judge.

7. On consideration of all these factors, this Court finds that no grounds for interference are made out in the writ petition. It is accordingly dismissed. (Aparesh Kumar Singh, J) Ranjeet/

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