

Niraj Kumar Vs. State of Jharkhand and Ors.

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Court : Jharkhand

Decided On : May-16-2016

Appellant : Niraj Kumar

Respondent : State of Jharkhand and Ors.

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI. W.P. (S) No. 4112 of 2007 Niraj Kumar son of Late Nand Kishore Mahto, resident of village-Pandra, P.O.-Pandra, P.S. Kudu, District-Lohardage Petitioner -V e r s u s- 1. The State of Jharkhand.

2. Director General of Police, Project Bhawan, P.O. and P.S. Hatia, District - Ranchi.

3. Director Inspector General, South Chotanagpur, State of Jharkhand, Ranchi.

4. Senior Superintendent of Police, Ranchi.

5. Deputy Inspector General, Koyala Kshetra, Bokaro Respondents CORAM: - HONBLE MR. JUSTICE PRAMATH PATNAIK. For the Petitioner : - M/s. Saurabh Arun, P.P. Roy, Deepak Kr. Dubey, Advocates. For the Respondents: - Mrs. C. Prabha, S.C.-IV and M/s. Vishal Kr. Roy and Alpana Kumari, J.C. to S.C.-IV. C.A.V. On : - 11/03/2016 Delivered On :

16. 05/2016 ... Per Pramath Patnaik, J.

In the instant writ application, the petitioner has sought for quashing of the letter dated 19.02.2007, issued by the Respondent No.5, rejecting the claim of the petitioner for joining on the post of Constable in pursuance of Advertisement No. 01 of 2004 and for direction to the respondents to consider the case of the petitioner for appointment on the post of Constable.

2. Sans details, the facts as averred in the writ application is that in pursuance to the Advertisement No. 01 of 2004, the petitioner applied for the post of Constable and appeared in the physical test and the result was published, where the name of the petitioner did not find place amongst the successful candidates. Thereafter, the petitioner filed representations and since no order was passed on the representations, the petitioner has approached this Court by filing a writ application being W.P. (S) No 6636 of 2006, which was disposed of vide order dated 14.12.2006 with a direction to the respondents to consider the representation of the petitioner. The claim of the petitioner has been rejected vide Memo No. 156, dated 19.02.2007 issued by the respondent no. 5 (Annexure-5 to the writ application). It has further been submitted in the writ application that the petitioner belongs to the reserved category under OBC but the results of the petitioner was counted under the General quota. It is also alleged in the writ application that the candidate having lesser height has been selected to the post of Constable.

3. Learned counsel for the petitioner submits that though the petitioner belonged to the reserved category of OBC but the criteria prescribed for the OBC category has not been followed in respect of the petitioner. Learned counsel for the petitioner further submits that if the higher qualification is added, then the petitioner would have come within the zone of consideration.

4. Mrs. C. Prabha, learned S.C.-IV assisted by M/s. Vishal Kr. Roy and Alpana Kumari, learned counsels appearing for the Respondent-State has reiterated the grounds taken in the counter affidavit. Learned counsel for the respondents by referring to the counter affidavit, has submitted that the candidature of the petitioner was considered in the OBC quota, but he failed to get a place in the list of reserved category. Learned counsel further submits that the height of the

candidate, Mr. Bishwanath Prajapati having Roll No.6699, is 175 cms. which is much higher than the height of the petitioner, therefore, it cannot be said that the candidates having lesser height from the petitioner has been selected for the post of Constable. Moreover, the said Bishwanath Prajapati was having a qualification of Intermediate pass. Learned counsel for the State further submits that the candidate selected last in the general category list, had secured 18 marks and the candidate selected last in OBC category, had secured 17 marks and since the petitioner secured only 16 marks, he could not be selected. Learned counsel for the State further submits that in the application form, the petitioner mentioned in the educational qualification column, as matric and admittedly, the petitioner has not submitted his educational qualification of Intermediate before publication of the result, therefore, it is not possible to consider any claim of additional qualification, once the result is declared. However, the petitioner having failed to furnish certificate of Intermediate along with the application form before publication of the result, he cannot be allowed to upset the selection, which has already been completed in all respects.

5. Having heard the learned counsel for the respective parties and giving an anxious consideration to the facts of the present case, I am of the considered view that the petitioner has not been able to make out a case for interference for the reasons stated hereinbelow: - (i) As disclosed from the counter affidavit dated 14.03.2012, it appears that the petitioner secured less marks, than the last candidate belonging to the general as well as OBC category, therefore, the petitioner could not be qualified either for general or on OBC category. Moreover, the points raised in the present writ application has already been raised in earlier writ application, being W.P. (S) No. 6636 of 2006, which has already been disposed of vide order dated 14.12.2006. (ii) The petitioner in the application form, mentioned his educational qualification, as matric pass but he is claiming to have the benefit of higher qualification of Intermediate. In case, the petitioner would have submitted the higher qualification prior to publication of the final result, certainly the case of the petitioner could have been considered or the petitioner could have come within the zone of consideration, but as per the supplementary counter affidavit, dated 08.01.2006, wherein, in the application form, it has been mentioned that the petitioner submitted the higher qualification of Intermediate

after publication of the result, therefore, it was not possible to consider the claim of the petitioner for adding additional qualification after declaration of the result at this belated stage, this Court would be loath to tinker with the selection process as the same would unsettle the settled selection.

6. Viewed thus, the impugned order dated 19.02.2007, issued by the Respondent No. 5, rejecting the claim of the petitioner for appointment on the post of Constable does not warrant any interference by this Court. Resultantly, the writ petition sans merit, is, hereby dismissed. (Pramath Patnaik, J.) APK

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