

Nisha Gupta and Ors Vs. Education

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Court : Jharkhand

Decided On : Jul-21-2016

Appellant : Nisha Gupta and Ors

Respondent : Education

Judgement :

In the High Court of Jharkhand at Ranchi W.P.(S) No.3630 of 2016 with W.P.(S) No.3646 of 2016 with W.P.(S) No.3707 of 2016 1. Arbind Hembrom @ Arvind Hembrom son of Sanatan Hembrom, resident of village Rolla, P.O.& P.S.Rjnagar, Dist- Seraikella-Kharswan, Jharkhand 2.Dhananjay Kumar Mandal, son of Shree Rameshwar Mandal, resident of village Patwar Tola, P.O. Bari Kodar Janna, P.S.& Dist- Sahibganj, Jharkhand 3. Sanjeet Kumar, son of Mohit Singh, resident of village Dulhi, P.O.Dulhi, P.S.Pandwa, Dist-Palamau, Jharkhand 4. Kundan Kumar, son f Ramrup Mandal, resident of village-bari Kodarjanna, P.O.Bari Kodarjanna, P.O. Sahibganj (Muffacil) Dist-Sahibganj,Jharkhand 5. Partha Satpathy, son of Shambhu Nath Sathpathy, resident of Singhbhum Printers, Badia Road, Muhul Bera, Mosabani Mines, East Singhbhum, Jharkhand, 6. Srikant Kabi, son of Shree Prakash Kabi, resident of Ward No.05, Kabi-Kutir, P.O & P.S. Seraikella, Dist-Seraikella (Kharsawan), Jharkhand 7. Jitendra Kumar Sahu, son of Naresh Sahu, resident of village Kutamu, P.O. Kutamu, P.S. Pandu, Dist-Palamau, Jharkhand 8. Anod Oraon, son of Mahabir Oraon, resident of village Sasang, P.O.Kaima, P.S & Dist-Latehar, Jharkhand. 9.Maneshwar Oraon, son of Parmeshwar Oraon, resident of village Barwadih, P.O.Sasang, P.S.Chandwa, Dist-Latehar, Jharkhand.

10. Mahendra Hembrom, son of Late Jagarnath Manjhi, resident of Madhudih, P.O. Biadhmara, P.S. Sector G, Dist-Bokaro, Jharkhand.

11. Anup Kumar Dubey, son of Birendra Kumar Dubey, resident of Qr No. CD/39. Township, P.O. Township, P.S. Bhawanathpur, Dist-Garhwa, Jharkhand

12. Neeraj Kumar Gupta, son of Parsu Ram Saw, resident of Karma Kala, P.O. Chaatarpur, P.S. Chaatarpur, Dist- Palamau, Jharkhand.....Petitioners [(W.P.(S) No.3630 of 2016)]

1. Nisha Gupta daughter of Sri Kartik Prasad, resident of Kartik Purnima Bhawan, New Petrol Pump, P.O., P.S. & Dist- Lohardaga, 2. Utpala Sardar, daughter of Sri Indrajit Sardar, resident of Huse No.135, village Pichhli, P.O. Shankarda, P.S. Potka, Dist-East Singhbhum 3. Bibiyana Bhengra, daughter of Late Deofil Bhengra, resident of Kuwar Singh Colony, Airport Road, Hinoo, P.O. & P.S. Doranda, Dist-Ranchi 4. Nidhi Mishra, daughter of Sri C.S. Mishra, resident of K3-65, Sharpura, Sindri, P.O. & P.S. Sindri, Dist- Dhanbad 5. Sangeeta Kumari, daughter of Jaynandan Singh, resident of Qr. No.511/9, Adityapur, New Housing Colony, Adityapur, P.O. & P.S. Adityapur, Dist-Seraikella 6. Shilpi Kumari, daughter of Narayan Prasad, resident of Jagbandhu Colony, Bal Vihar, P.O. & P.S. Sonari, Dist-East Singhbhum 7. Renu Kumari, daughter of Shankar Chourasia, resident of Bekar Bandh, Near Pond, Dhanbad, P.O., P.S. & Dist- Dhanbad.....Petitioners [W.P.(S) No.3646 of 2016]

1. Baijanti Kumari, daughter of Sri Munindra Mahto, resident of village + P.O. Gagi, P.S. Kanke, Dist-Ranchi 2. Anamika Kumari, daughter of Sri Sukulwa Oraon, resident of village Karketta Bishrampur, P.O. & P.S. Khalari, Dist- Ranchi 3. Anju Kumari, daughter of Sri Jai Singh Ganjhu, resident of At + P.O. + P.S. Silli, Dist- Ranchi 4. Manisha Kumari, daughter of Sri Kailash Prasad Rajak, resident of At + P.O. + P.S. Jainagar, Dist-Koderma 5. Poonam Sinha, daughter of Sri Shiv Kumar, wife of Dharendra Kumar Singh at present residing at House No.3A, Galli No.66, E2 Molarband Extension, Badarpur Boarder, South Delhi, Delhi-110044 6. Priyanka, daughter of Virbesh Singh, resident of at G197 Tata Complex Colony, P.O. & P.S. Gomharia, Jamshedpur, Dist-East Singhbhum 7. Usha Rani, daughter of Kartik Kalandi, resident of Bara Muri, P.O. Chhota Muri, P.S. Silli, Dist - Ranch

Petitioners [W.P.(S) No.3707 of 2016] VERSUS 1. The State of Jharkhand 2. The Jharkhand Staff Selection Commission through its Chairman, office at F/49, Sector -3, Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, Ranchi Jharkhand.

3. The Controller of Examination, Jharkhand Staff Selection Commission through its Chairman, office at F/49, Sector -3, Dhurwa, P.O. Dhurwa, P.S.Jagarnathpur , Dist-Ranchi, Jharkhand 4. The Secretary, All India Council for Technical Education, 7th floor, Chandralok Building, Janpath, P.O.New Delhi-11001.

5. The Secretary, Stte Board of Technical Education, Sirkha Toli, Science and Technology Campus, Namkon-Tupudana Road, P.O.& P.S.Namkon, Dist-Ranchi (Jharkhand).....Respondents{W.P(S) no.3630/2016} 1. State of Jharkhand through the Secretary, Higher & Technical Education Department, having its office at Project Building, P.O. & P.S. Dhurwa, Ranchi Dist - Ranchi 2.Jharkhand Staff Selection Commission through its Secretary, having its office at F-49/50, Sector-III, Dhurwa, P.O. & P.S.Dhurwa, Ranchi,Dist-Ranchi 3.Controller of Examination, Jharkhand, Staff Selection Commission, having its office at F-49/50, Sector-III, Dhurwa, P.O. & P.S.Dhurwa, Ranchi Dist - Ranchi Respondents [W.P.(S) no.3646 of 2016] 1. State of Jharkhand 2.Secretary, Road Construction Department, Government of Jharkhand, At Project Bhawan, P.O. & P.S.Dhurwa 3. The Joint Secretary, Road Construction Department, Government of Jharkhand at Project Bhawan, P.O. + P.S. Dhurwa, Dist - Ranchi 4. Examination Controller, Jharkhand Staff Selection Commission, P.O. & P.S. Dhurwa, Ranchi 5. Jharkhand Staff Selection Commission, represented through its Deputy Secretary, Sector-3, Dhurwa, P.O. & P.S.Dhurwa, Ranchi...Respondents [W.P.(S) 3707/2016] CORAM: HON'BLE MR.JUSTICE ANANDA SEN For the Petitioner: M/s. Purnendu Sharan and Binit Chandra, advocate For the Respondents:M/s.Sohail Anwar,Sr. Advocate, P.A.S.Pati, Tejo Mistry and Bhawesh Kumar, Advocate 4/ 21.7.16. Forthcoming Mains Examination for the post of Junior Engineer conducted by Staff Selection Commission is to be held on 24th July, 2016. The petitioners have been debarred from appearing in the Mains Examination solely on the ground, that there is a dispute whether the diploma, which the petitioners have obtained is equivalent to the diploma in Civil Engineering or not. Pending decision in these writ applications, by way of interim measure, I direct the Staff Selection Commission to allow these petitioners to appear in the forthcoming Mains Examination of Junior Engineer Combined Competitive Examination-2014 which is to be held on 24.7.2016, provisionally, if they are otherwise eligible. Final result of these petitioners will not be published without leave of this Court. Their candidature will be subject to final

decision of these writ applications. The Admit Cards of these petitioners will be uploaded in the website of Staff Selection Commission latest on 23.7.016 by 12 noon which will be downloaded by the petitioners for the purpose of the examination. The petitioners are the students of different institution which confers diploma in Civil Engineering but under different nomenclature. All these Institutions have been permitted to conduct their respective courses by A.I.C.T.E. A.I.C.T.E scrutinized the syllabus and only thereafter grant approval to conduct the courses. Since this issue involves career of several students, A.I.C.T.E is requested by this Court, to submit a report, after evaluating the courses of each of the institution, to the effect, whether the diploma conferred upon the petitioners can be said to be equivalent to that of a diploma in civil engineering. The State, being the employer, will, in the meantime, take an independent decision whether the diploma which the petitioners possessed will be treated to be equivalent to a diploma in Civil Engineering or not, by the State. For this purpose, the opinion of the State Board of Technical Education should also be obtained. List these cases after four weeks under the heading for admission. Let a copy of this order be handed over to Mr.P.A.S.Pati, counsel appearing for A.I.C.T.E. (Ananda Sen, J.) ND/

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