

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 4995 of 2007

1. Mahesh Prasad, son of Shri Gopal Prasad, resident of Baniya Patti Dehla, PS-Sahibganj (T), PO&District-Sahibganj
2. Ajay Kumar, son of Shri Ramchandar Prasad, resident of village-Gullibhatta, PS&PO-Sahibganj, District-Sahibganj
3. Sunil Kumar Sinha, son of Late Nand Kishore Sinha, resident of Gullibhatta, PO&PS-Sahibganj (T), District-Sahibganj

... ... Petitioners

Versus

1. The State of Jharkhand, Department of Labour, Employment & Training through Secretary, Government of Jharkhand, Ranchi
2. Deputy Commissioner, Sahibganj
3. District Welfare Officer, Sahibganj
4. District Employment Officer, Sahibganj
5. Additional Collector, Establishment, Sahibganj
6. Deputy Collector (Establishment), Sahibganj

... ... Respondents

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioners	: Mr. Rajeev Sharma, Sr. Advocate Ms. Shivangi, Advocate
For the Respondents	: Mr. Srijit Choudhary, Sr. S.C. III Ms. Bharti Singh, J.C. to Sr. S.C. III

07/31.01.2017 Aggrieved by the panel prepared on 09.04.2007 for appointment on Class-IV sanctioned vacant posts, the petitioners have approached this Court. The petitioners have also challenged advertisement no. O.C.-02-04/2005.

2. Heard.

3. Briefly stated, the petitioner no. 1 moved this Court in CWJC No. 160 of 2001 with a grievance that his name did not figure in the panel prepared pursuant to the advertisement issued in the year, 1993 (vide advertisement no. 7 of 1993). He was working since 1988 and in the panel prepared on 24.03.1991 his name figured at sl. no. 40. Taking note of delay on his part in approaching this Court, that is, after about six years, this Court did not issue any direction for his appointment on a Class-IV post, however, it was ordered that in future appointment he shall be granted age relaxation and preference

over outsiders. The petitioner no. 2 claims that he has been working since 1999 and petitioner no. 3 since 1990. The learned Senior counsel for the petitioner contends that directions issued by this Court for granting age relaxation and preference etc. over outsider were not followed.

4. In the counter-affidavit, the respondents have pleaded that an advertisement was issued on 10.01.2002 for filling up 100 sanctioned Class-IV posts in Sahebganj District Collectorate, however, the appointment was not made and the notice inviting applications was cancelled. Subsequently, advertisement no. O.C.-02-04/2005 was published in the daily newspaper on 20.07.2005. It is pleaded that out of 1888 applications, as many as 1316 applications were rejected after scrutiny. In terms of the Government circular, the petitioner no. 1 who submitted application under OBC category was found over-age as he had crossed 37 years. The petitioner no. 2 had failed to submit copy of his attested certificates and on verification, accordingly, his application was rejected. Similarly, petitioner no. 3 had submitted an application which was incomplete. In his application he had failed to fill up column nos. 10 (A, B, D), 11 and 14 and accordingly, his application was also not entertained. In the aforesaid facts, the plea raised on behalf of the petitioners that the directions issued by this Court were ignored turns out misconceived. In so far as, the plea that in advertisement no. O.C.-02-04/2005 roster/reservation was not followed, in as much as out of 31 posts, 21 posts were kept reserved for ST candidates and there was no post for SC and OBC category candidates, in view of the fact that petitioner no. 1 himself belongs to OBC category, must fails. Reservation policy of the Government is applied to the total number of sanctioned posts and not to the posts advertised. Applications are invited only for the posts which are vacant and there may be a case in which vacancies available were only under reserved category.

Moreover, the respondents have asserted that while making appointment pursuant to 2005 advertisement, reservation policy of the State Government has been followed. Appointments on Class-IV posts vide letter dated 04.04.2008 discloses that 2 posts for SC category, 8 posts for ST category and 12 posts for General category were made.

5. In the light of the aforesaid facts, challenge thrown by the petitioners to the panel prepared on 09.04.2007 fails and accordingly, the writ petition is dismissed.

(Shree Chandrashekhar, J.)

Tanuj/-