

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2458 of 2019

Swami Ramtirath Singh, Aged about 38 years, Son of : Late Rambriksh Singh, Resident of village- Khorahar, P.O.- Deochanda P.S.- Barhi, District- Dhanbad, Jharkhand.

... ... Petitioner

Versus

1. The State of Jharkhand, through the Principal Secretary, School Education and Literacy Department, Government of Jharkhand, At- Project Building, Dhurwa, P.O. & P.S.- Dhurwa, District- Ranchi
2. Principal Secretary, School Education and Literacy Department, Government of Jharkhand, At- Project Building, Dhurwa, P.O. & P.S.- Dhurwa, District- Ranchi
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, At Project Building, Dhurwa, P.O. & P.S.- Dhurwa, District- Ranchi
4. The Deputy Commissioner cum Chairman, District Education Establishment Committee, Hazaribagh, P.O. & P.S.- Hazaribagh, District- Hazaribagh
5. The District Superintendent of Education, Hazaribagh, P.O. & P.S. Hazaribagh, District- Hazaribagh

... ... Respondents

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT
CHOUDHARY

For the Petitioners :Mr. Kumar Sundaram, Adv.
Mr. Subham Mishra, Adv.
For the Respondents :Mr. Affaque Rashidi Adv.

2/28.05.2019 Heard. Mr. Kumar Sundaram, learned counsel for the petitioner assisted by Subham Mishra, Advocate.

2. Heard Mr. Affaque Rashidi, counsel for the respondents.
3. This writ petition has been filed for the following reliefs:-

"For issuance of direction upon the respondents to consider the objection of the petitioner raised pursuant to the provisional merit list issued by the respondent authorities whereby and whereunder name of applicants having less aggregate marks have been included ignoring the marks obtained by the petitioner And upon considering the same be further pleased to direct the respondent authorities to include the name of the petitioner in the final merit

list and allow him to appear in the counselling to be held there upon."

4. Counsel for the petitioner submits that there are certain remaining defects regarding typed copy of certain pages, and he submits that the said pages are fairly legible and accordingly the same may be ignored. He further submits that considering the fact that he is confining the writ petition only to disposal of his representation as filed by the petitioner before the respondent, therefore, the case itself may be disposed of.

5. Counsel for the respondent has no serious objection to the aforesaid prayer of the petitioner.

6. Considering the aforesaid submissions, the remaining defect regarding the typed copies of certain pages as point out by the office is hereby ignored.

7. Counsel for the petitioner submits that the petitioner would be satisfied if the Respondent no 5 is directed to dispose of the representation which has been filed by the petitioner as contained in annexure-5 and consider the candidature of the petitioner under non-para category and allow him to participate in the counselling process for selection of Inter-Trained teacher's appointment under non-para teacher category vacancy. He submits that there is urgency in the matter as the final counselling list is going to be published on 30.05.2019.

8. Counsel for the petitioner submits that the case of the petitioner is fully covered by the judgment passed by this Court in L.P.A. No. 186 of 2017 and other analogous case read with the order passed in W.P.(S) No. 2343 of 2019 and other analogous cases.

9. Counsel appearing on behalf of the respondents on the other hand does not object to the aforesaid prayer of the writ

petitioner regarding disposal of the representation of the petitioner as contained in Annexure-5.

10. Considering the submissions, this writ petition is disposed of with a direction upon the respondent no. 5 to consider and dispose of the representation of the petitioner as contained in Annexure-5 to this writ petition in accordance with law.

11. It is made clear that this court has not entered into the merits of the rival claims of the parties.

(Anubha Rawat Choudhary, J.)

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