IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 1511 of 2024

1. Md. Imteyaz Ahmad
2. Md. Abutaher Shaikh
3. Suresh Bhandari
4. Sunil Kumar Bhandari .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1101 of 2024

1. Arun Kumar Saha
2. Pritam Kumar Saha .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1113 of 2024

1. Manoj Kumar
2. Baldeo Gope .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1328 of 2024

1. Rajkishor Singh
2. Raj Kumar Mandal
3. Ramchandra Mahato
4. Atika Chandra Mahato
5. Abdul Wahhab Ansari
6. Shabnam Khatun .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1330 of 2024

1. Ganesh Turi
2. Md. Sarfaraz Ansari
3. Bikash Kumar Singh .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1336 of 2024

1. Rishi Ranjan Mandal
2. Ritunjay Kumar .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1342 of 2024

1. Niranjan Mahato
2. Guneshwar Prasad
3. Kamala Devi .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1368 of 2024

1. Mainul Haque
2. Deocharan Mahto
3. Vijay Kumar Anand
4. Habibur Rahman
5. Ajay Kumar Sah .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1490 of 2024

Binod Rana .... Petitioner

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1526 of 2024

Anup Kumar Mahato .... Petitioner

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1585 of 2024

1. Md. Ishak Ansari
2. Pawan Kumar Thakur
3. Md. Asgar Ansari
4. Rafik Alam
5. Ranvijay Kumar
6. Harendra Prasad
7. Ramdeo Prasad Kushwaha
8. Rajendra Paswan .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1609 of 2024

1. Kumar Amrendra Pratap
2. Chanda Kumari .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1115 of 2024

1. Ritesh Kumar
2. Dilip Kumar
3. Manoj Prasad Yadav
4. Santosh Kumar
5. Umesh Angami

6. Nitish Kumar
7. Kumari Binita Singh @ Kumari Vinita Singh
8. Mahendra Prasad Yadav
9. Ramchandra Singh
10. Dileep Kumar .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1140 of 2024

1. Sanjay Kumar Rana
2. Rohit Kumar Yadav
3. Dilip Tiwari @ Dilip Kumar Tiwari
4. Raj Kumar Tiwari @ Raj Kumar Tiwary
5. Anand Prasad Singh
6. Mukesh Kumar Roy
7. Vyas Prasad Ray
8. Umesh Prasad Ray
9. Harihar Kumar
10. Ashok Kumar Bhandari
11. Panchanan Yadav
12. Surendra Kumar Yadav
13. Kamal Kisor Yadav
14. Bikas Kumar Singh
15. Satya Kishore @ Setya Kishor .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1151 of 2024

1. Naresh Kumar Agrawal
2. Shree Kant Pandey
3. Md. Mustaf Ansari
4. Shamim Ansari
5. Jiyaram Rajwanshi
6. Santosh Kumar Matho
7. Devendra Kumar Mahto .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1155 of 2024

1. Shashi Kumar
2. Nisha Kumari
3. Bhola Kumar Ray
4. Manoj Prakash
5. Praveen Kumar Singh
6. Uttam Kumar
7. Md. Afroz Alam
8. Jolpholen Khakha
9. Ghanshyam Sharma
10. Ruplata Kumari
11 Chandi Kumar Dutta
12. Sajan Kumar Mandal
13. Tapaswinee Pradhan

14. Paritosh Mahato .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1197 of 2024

1. Upendra Kumar Mandal
2. Nimay Chandra Pandit
3. Devashish Laha
4. Dinesh Kumar Mandal
5. Gautam Kumar Mandal
6. Chandra Shekhar Tiwary
7. Binay Kumar Sah
8. Rajani Kumari
9. Gangadhar Sen
10. Roshan Kumar .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1372 of 2024

1. Manoj Kumar Saw
2. Suraj Kumar
3. Nunman Yadav
4. Shankar Dayal Singh
5. Sachchidanand Modi .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1414 of 2024

1. Shankar Prasad Yadav
2. Brajbhushan Jha @ Brijbhushan Jha
3. Shashi Bhushan Jha
4. Sanjay Kumar Vishwakarma
5. Barundeo Prasad Kushwaha
6. Kailash Kumar Verma
7. Kailash Kumar .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1428 of 2024

Manoj Kumar Yadav .... Petitioner

Versus

The State of Jharkhand & Others. .... Respondents

With

W.P.(S) No. 1464 of 2024

1. Shradha Tirkey
2. Nilima Tirkey
3. Sarita Tigga
4. Bahatan Kerketta
5. Pradeep Hembrom
6. Pankaj Kumar Bhagat
7. Solly Sapna Kispotta
8. Kumari Kanchan Verma

9. Nitesh Kumar
10. Jyotish Kumar
11. Rabindra Singh .... Petitioners

Versus

The State of Jharkhand & Others. .... Respondents

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioners : Mr. Tapan Kumar Mishra, Advocate
Mr. Shubham Mishra, Advocate
Mr. Binod Kumar Jha, Advocate
Mr. Tapan Kumar Mishra, Advocate
Mr. Ravi Kumar Singh, Advocate
Mr. Vikash Kumar, Advocate
Mr. Chanchal Jain, Advocate
Mr. Prashant Kumar Rai, Advocate
Mr. Rahul Ranjan, Advocate
Mr. Prashant Kumar Rai, Advocate
Mr. Anuj Kumar Trivedi, Advocate
Mr. Mukesh Kumar Mehta, Advocate
Mr. Binod Singh, Advocate
Mr. Abhishek Singh, Advocate
Mr. D.P. Mishra, AAG-I

For the State : Ms. Darshana Poddar Mishra, AAG-I
Ms. Laxmi Murmu, GP-I
Mr. Munna Lal Yadav, SC(L&C)-II
Mr. Sanjay Kumar Tiwari, SC-I
Mr. Manish Kumar, Sr.SC-II
Mr. Om Prakash Tiwari, GP-III
Mr. Prabhat Kumar, SC-II
Mr. Sreenu Garapati, SC-III
Mr. Manoj Kumar, GA-III
Mr. Surabhi, AC to AAG-II
Mr. Suresh Kumar, SC(L&C)-II
Mr. Manish Mishra, GP-V
Ms. Varsha Ramsisaria, AC to GP-V
Mr. Devesh Krishna, SC(M)-III
Mr. Amitesh Kr. Geasen, AC to AAG-IA
Mr. Ratnesh Kumar, SC(L&C)-I
Mr. Mithilesh Singh, GA-IV
Mr. Anuj Burman, AC to GA-IV
Mr. Shivam Singh, AC to SC-II
Mr. Rajesh Kr Singh, AC to SC(L&C)-III
Mr. Rakesh Kumar Shahi, AC to SC(L&C)-I

For the JEPC : Mr. Krishna Murari, Advocate
Mr. Raj Vardhan, Advocate

3/ 22.03.2024 The defect, as pointed out, by the office is ignored.

2. Heard the learned counsel for the parties.

3. Since, the issues involved in all these writ petitions are similar and identical and as such they have been tagged together and are being disposed of by this common order.

4. The petitioners have approached this Court with a prayer for a direction upon the respondents to allow them to participate in the counselling process in the respective districts for which they have applied for consideration of their candidatures under Para/ Non-Para categories for remaining vacancies of Intermediate Trained Teachers for Classes 1 to 5 / 6 to 8 and if the petitioners are found eligible, they may be suitably appointed as they have already applied against the vacancies in different districts in the year 2015 and the candidates having lesser marks than the petitioners have been called and allowed to participate in the counselling.

5. Learned counsel appearing for the petitioners submits that the similar issue fell for consideration before this Court in **W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases** and this Court after hearing the parties vide its judgment delivered on **16.02.2022**, allowed the said writ petitions with the following directions:

> *"18. …….. I hereby direct the respondents to initiate process of counseling for the present petitioners by way of last opportunity, since they have obtained more marks than the last selected candidates in the merit list. The petitioners shall approach the Deputy Commissioners of the concerned Districts, as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order and thereafter, the Deputy Commissioner shall initiate the process of counseling after giving proper notice to the petitioners by way of Press Communique, advertising the notice in the local newspaper having the wide circulation in the concerned Districts and also by putting the notice on the Notice Board of the Office of concerned District Superintendent of Education and thereafter, the entire process of counseling be completed within a period of further four weeks subject to fulfilling the eligibility criteria and also if the present petitioners have secured more marks than the last selected candidates."*

6. Thereafter, the respondent-State challenged the said order before the Division Bench of this Hon'ble Court in **LPA No. 203 of 2022** and the

Division Bench of this Hon'ble Court dismissed the LPA preferred by the respondent-State. The relevant para of the said judgment reads as under:

> *"57. This Court, on entirety of facts and circumstances, is of the view that the order passed by learned Single Judge needs no interference by this Court and the direction so passed by learned Single Judge needs no interference by this Court and is required to be complied with at an earliest as the vacancies is of the year 2015 and it must be put to logical end without snatching right of candidates, if they are otherwise eligible. Therefore, the appellants-State are hereby directed to:*
>
> *I. Initiate the process of counseling forthwith for the present petitioners by way of last opportunity as it is alleged they have obtained more marks than the last selected candidates in the merit list in the respective districts.*
>
> *II. The petitioners shall approach the Deputy Commissioners of the concerned Districts, as early as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.*
>
> *III. However, in the meantime, the Deputy Commissioner of the concerned district shall give proper notice to the petitioners by way of Press Communique, advertising the notice in the local newspaper having the wide circulation in the concerned Districts and also by putting the notice on the Notice Board of the Office of concerned District Superintendent of Education.*
>
> *IV. This Court hopes and trusts that the entire process of counseling will be completed within a period of further eight weeks subject to fulfilling the eligibility criteria and also if the present petitioners have secured more marks than the last selected candidates.*
>
> *V. It is made clear that the entire process of selection shall be made strictly in accordance with relevant rules/regulations and judicial pronouncements, as mentioned above, within a period of four months from the date of receipt/production of copy of this order.*
>
> *VI. Let it be made clear that no further counselling shall be held for any reasons whatsoever as the advertisement for appointment of these teachers are of 2015 and the aforesaid directions have been issued in peculiar facts and circumstances of the case, which shall be not taken as precedent."*

7. Learned counsel for the petitioners further submits that since similar issue has already been decided by this Court, present petitioners are also entitled for the similar benefits, what has been extended to the petitioners of **W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases**.

8. Learned counsel for the respondent-State has no objection to the

same.

9. In view of the fair submissions made by the learned Counsel for the parties, this writ petition is being **disposed of** in terms of the order dated **16.02.2022**, passed by this Court in case of in **W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases** as well as **LPA No. 203 of 2022** and if the cases of the present petitioners are found to be same and similar to the cases of the petitioners in **W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases**, the present petitioners are also entitled for the same benefits.

10. Accordingly, I hereby direct the respondents-authorities to verify the factual aspects/issues involved in the present writ petition vis. a vis. factual aspects/issues involved in **W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases**, and if the facts/issues involved in the present writ petition is found to be similar to the aforementioned writ petition, the same benefits may be extended to the present petitioners also in accordance with law, within a period of eight weeks from the date of receipt/ production of a copy of this order.

11. Since it has been brought to the notice of the Court that the respondents have fixed the date of counselling on 25th April, 2024, the respondents are directed to conclude the counselling by that date and no further application shall be entertained after the said date in view order passed by this Court in **W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases.**

12. With these observations and directions, this writ petition stands disposed of.

(Dr. S.N. Pathak, J.)

R.Kr./Rohit