

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 1848 of 2024

1. Moti Lal Singh Deo Tirwar
2. Rekha Rani Mahato
3. Jaimala Pat Pingua
4. Upasna Kumari
5. Shambhu Nath Singh Munda
6. Sabeeta Hembram
7. Punita Kumari
8. Akhilesh Kumar
9. Kuldeep Kumar Mahto
10. Rohit Kumar
11. Basudeo Nayak
12. Dhaneshwar Das
13. Prabha Tara Baxla
14. Kamal Tudu
15. Dilip Kumar Hembram
16. Pushpa Kumari
17. Rashmi Ekka
18. Nutan Kerketta
19. Punam Kumari @ Poonam Kumari
20. Uma Kumari
21. Prithwi Raj Kumar
22. Asha Rose Hansda
23. Shalini Tigga
24. Sant Saroj Pathak
25. Omprakash Tiwari
26. Kumari Pushpa Jha
27. Sheen Raza
28. Pallavi Kumari
29. Alma Suchita Kujur
30. Swarnlata Kumari
31. Premlata Kunul Tiru
32. Prabhudeo Yadav
33. Sikandar Kumar
34. Surendra Kumar
35. Pramod Kumar
36. Sanoj Kumar Karmkar
37. Rajendra Kumar
38. Nizamuddin Ansari
39. Pratibha Tirkey
40. Premdani Kujur
41. Namita Nandini
42. Beena Marandi
43. Meera Rani
44. Panchali Roy
45. Gunadhar Pramanik
46. Sheo Kumar Rana
47. Anuradha Kumari
48. Nitu Kumari

49. Rajeev Kumar Ranjan
50. Praveen Kumar Yadav
51. Ranjeet Kumar
52. Kedarnath Mahto
53. Sheonandan Kumar Mehta Petitioners

Versus

1. The State of Jharkhand through the Principal Secretary, School Education and Literacy Department, Govt. of Jharkhand, Ranchi.
2. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Govt. of Jharkhand, Ranchi.
3. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Ranchi.
4. The District Superintendent of Education, Ranchi.
5. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Hazaribagh.
6. The District Superintendent of Education, Hazaribagh.
7. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Koderma.
8. The District Superintendent of Education, Koderma
9. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dhanbad.
10. The District Superintendent of Education, Dhanbad.
11. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Chatra.
12. The District Superintendent of Education, Chatra.
13. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Sahebganj.
14. The District Superintendent of Education, Sahebganj
15. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Giridih.
16. The District Superintendent of Education, Giridih
17. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Pakur.
18. The District Superintendent of Education, Pakur
19. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Godda.
20. The District Superintendent of Education, Godda
21. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Jamtara.
22. The District Superintendent of Education, Jamtara
23. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Bokaro.
24. The District Superintendent of Education, Bokaro
25. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dumka.
26. The District Superintendent of Education, Dumka
27. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Deoghar.
28. The District Superintendent of Education, Deoghar
29. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Ramgarh.
30. The District Superintendent of Education, Ramgarh

31. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Garhwa.
32. The District Superintendent of Education, Garhwa
33. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Latehar.
34. The District Superintendent of Education, Latehar
35. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Palamau.
36. The District Superintendent of Education, Palamau
37. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Lohardaga
38. The District Superintendent of Education, Lohardaga.
39. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Gumla.
40. The District Superintendent of Education, Gumla
41. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Simdega.
42. The District Superintendent of Education, Simdega
43. The Deputy Commissioner-cum-Chairman, District Education Established Committee, West Singhbhum.
44. The District Superintendent of Education, West Singhbhum
45. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Khunti.
46. The District Superintendent of Education, Khunti
47. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Seraikela
48. The District Superintendent of Education, Seraikela
49. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, East Singhbhum.
50. The District Superintendent of Education, East Singhbhum

..... Respondents

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

For the Petitioners : Mr. Shubham Mishra, Advocate
For the Resp. : Mr. Nehru Mahto, AC to GP-Iv

I.A. No. 4311 of 2024

03/30.04.2024 Instant Interlocutory Application has been filed for impleading “The Deputy Commissioner, East Singhbhum” and “the District Superintendent of Education, East Singhbhum” as party respondent Nos. 49 and 50 respectively in the array of parties of main writ petition.

2. Learned counsel for the petitioners submits that the for proper adjudication of the case, the said respondents are necessary to be impleaded in the instant writ petition.
3. Learned counsel for the respondents does not object to the same.
4. In view of fair submissions of learned counsel for the parties, I.A. No. 4311 of 2024 stands allowed and learned counsel for the petitioner is permitted to

impeal “The Deputy Commissioner, East Singhbhum” and “the District Superintendent of Education, East Singhbhum” as party respondent Nos. 49 and 50 respectively in the array of parties of main writ petition, in course of the day, with red ink.

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5. The petitioners have approached this Court with a prayer for direction upon the respondents to allow them in the upcoming counselling and give them appointment to the post of Inter/ Graduate Trained Teachers in para/ non-para categories, in view of order dated 15.09.2023, passed in LPA No. 203 of 2023.
6. 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 Communiqué, 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.”

7. 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 Communiqué, 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.”*

8. 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.**
9. Learned counsel for the respondent-State has no objection to the same.
10. 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.

- 11.** 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.
- 12.** Let it be made clear that this Court has not entered into the merits of the case.
- 13.** With these observations and directions, this writ petition stands disposed of.

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

Kunal