

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 582 of 2023

(Mina Kumari & Ors. Vs. The State of Jharkhand through the Chief Secretary & Ors.)

WITH

W.P. (S) No. 6775 of 2018 With W.P. (S) No. 1204 of 2019 with W.P. (C) No. 4631 of 2022 With W.P. (S) No. 111 of 2023 With W.P. (S) No. 148 of 2023 With W.P. (S) No. 301 of 2023 With W.P. (S) No. 739 of 2023 With W.P. (S) No. 755 of 2023 With W.P. (S) No. 937 of 2023 With W.P. (S) No. 1476 of 2023 With W.P. (S) No. 1503 of 2023 With W.P. (S) No. 1693 of 2023 With W.P. (S) No. 1756 of 2023 With W.P. (S) No. 1840 of 2023 With W.P. (S) No. 1869 of 2023 With W.P. (S) No. 2044 of 2023 With W.P. (S) No. 2506 of 2023 With W.P. (S) No. 2777 of 2023 With W.P. (S) No. 2917 of 2023 With W.P. (S) No. 3099 of 2023 With W.P. (S) No. 3196 of 2023 With W.P. (S) No. 3273 of 2023 With W.P. (S) No. 3355 of 2023 With W.P. (S) No. 3438 of 2023 With W.P. (S) No. 3598 of 2023 With W.P. (S) No. 3654 of 2023 With W.P. (S) No. 3890 of 2023 With W.P. (S) No. 3998 of 2023 With W.P. (S) No. 4007 of 2023 With W.P. (S) No. 4008 of 2023 With W.P. (S) No. 4072 of 2023 With W.P.(S) No.4095 of 2023 With W.P. (S) No. 4106 of 2023 With W.P. (S) No. 4124 of 2023 With W.P. (S) No. 4138 of 2023 With W.P.(S) No.4219 of 2023 With W.P. (S) No. 4324 of 2023 With W.P. (S) No. 4326 of 2023 With W.P. (S) No. 4431 of 2023 With W.P.(S) No.4662 of 2023 With W.P. (S) No. 4664 of 2023 With, W.P.(S) No. 4667 of 2023 with W.P(S) No. 4780 of 2023 With W.P(S) No. 5138 of 2023 With W.P.(S) No. 5261 of 2023 with W.P(S) No. 5307 of 2023 With W.P(S) No. 5406 of 2023 With W.P(S) No. 5603 of 2023 With W.P(S) No. 5866 of 2023 With W.P(S) No. 5878 of 2023 With W.P(S) No. 5976 of 2023 With W.P. (S) No. 6010 of 2023 With W.P. (S) No. 6157 of 2023 With W.P.(S) No. 6296 of 2023 With W.P.(S) No. 6469 of 2023 With W.P. (S) No. 6907 of 2023 With W.P.(S) No.6981 of 2023 With W.P.(S) No. 7496 of 2023 With W.P.(S) No. 7498 of 2023 With W.P. (S) No. 422 of 2024 With W.P. (S) No. 462 of 2024 With W.P. (S) No. 603 of 2024 With W.P. (S) No. 727 of 2024 With W.P. (S) No. 736 of 2024 With W.P. (S) No. 741 of 2024 With W.P. (S) No. 1256 of 2024 With W.P. (S) No. 1638 of 2024 With W.P.(S) No.1877 of 2024 With W.P. (S) No. 1915 of 2024 With W.P.(S) No.2003 of 2024 With W.P. (S) No. 2017 of 2024 With W.P. (S) No. 2034 of 2024 With W.P.(S) No.2119 of 2024 With W.P. (S) No. 2123 of 2024 With W.P. (S) No. 2133 of 2024 With W.P. (S) No. 2226 of 2024 With W.P. (S) No. 2282 of 2024 With W.P. (S) No. 2400 of 2024 With W.P. (S) No. 2402 of 2024 With W.P.(S) No.2404 of 2024 With W.P. (S) No. 2480 of 2024 With W.P.(S) No.2481 of 2024 With W.P. (S) No. 2493 of 2024 With W.P. (S) No. 2528 of 2024 With W.P. (S) No. 2583 of 2024 with W.P. (S) No. 2622 of 2024 With W.P. (S) No. 2712 of 2024 With W.P. (S) No. 2716 of 2024 With W.P. (S) No. 2724 of 2024 With W.P. (S) No. 2816 of 2024 With W.P. (S) No. 2901 of 2024 With W.P. (S) No. 2953 of 2024 With W.P. (S) No. 3051 of 2024 With W.P. (S) No. 3052 of 2024 With W.P. (S) No. 3078 of 2024 With W.P. (S) No. 3095 of 2024 With W.P. (S) No. 3096 of 2024 With W.P. (S) No. 3132 of 2024 With W.P. (S) No. 3149 of 2024 With W.P. (S) No. 3445 of 2024 With W.P. (S) No. 3511 of 2024 With W.P. (S) No. 3521 of 2024 With W.P. (S) No. 3563 of 2024 With W.P. (S) No. 3569 of 2024 With W.P. (S) No. 3596 of 2024 With W.P. (S) No. 3604 of

2024 With W.P.(S) No.3790 of 2024 With W.P. (S) No. 3820 of 2024 with W.P. (S) No. 3968 of 2024 With W.P. (S) No. 4024 of 2024 With W.P. (S) No. 4050 of 2024 With W.P.(S) No. 4067 of 2024 With W.P. (S) No. 4090 of 2024 With W.P. (S) No. 4220 of 2024 With W.P. (S) No. 4246 of 2024 With W.P. (S) No. 4373 of 2024 With W.P. (S) No. 4505 of 2024 With W.P. (S) No. 4510 of 2024 With W.P. (S) No. 4523 of 2024 With W.P. (S) No. 4536 of 2024 With W.P. (S) No. 4595 of 2024 With W.P. (S) No. 4613 of 2024 With W.P. (S) No. 4639 of 2024 With W.P. (S) No. 4662 of 2024 With W.P. (S) No. 4700 of 2024 W.P.(S) No.4709 of 2024 With W.P. (S) No. 4761 of 2024 With W.P. (S) No. 4769 of 2024 With W.P. (S) No. 4796 of 2024 With W.P. (S) No. 4818 of 2024 With W.P. (S) No. 4834 of 2024 With W.P. (S) No. 4835 of 2024 With W.P. (S) No. 4837 of 2024 With W.P. (S) No. 4840 of 2024 With W.P. (S) No. 4847 of 2024 With W.P. (S) No. 4868 of 2024 With W.P.(S) No.4876 of 2024 With W.P. (S) No. 4884 of 2024 with W.P. (S) No. 4893 of 2024 With W.P. (S) No. 4898 of 2024 With W.P.(S) No.4926 of 2024 With W.P. (S) No. 4930 of 2024 With W.P. (S) No. 4932 of 2024 With W.P.(S) No.4948 of 2024 With W.P.(S) No.4949 of 2024 With W.P.(S) No. 4972 of 2024 With 4974 of 2024 With W.P.(S) No.4978 of 2024 With W.P.(S) No.4999 of 2024 With W.P.(S) No.5019 of 2024 With W.P.(S) No.5026 of 2024 With W.P.(S) No.5044 of 2024 With W.P.(S) No.5055 of 2024 With W.P.(S) No.5075 of 2024 with W.P. (S) No. 5104 of 2024 With W.P.(S) No.5112 of 2024 With W.P.(S) No.5134 of 2024 With W.P.(S) No.5139 of 2024 With W.P.(S) No.5155 of 2024 With W.P.(S) No.5171 of 2024 W.P.(S) No.5174 of 2024 W.P.(S) No.5182 of 2024 With W.P.(S) No.5197 of 2024 With W.P. (S) No. 5214 of 2024 with W.P.(S) No.5271 of 2024 With W.P. (S) No. 5279 of 2024 with W.P. (S) No. 5283 of 2024 with W.P. (S) No. 5285 of 2024 with W.P.(S) No.5310 of 2024 With W.P. (S) No. 5338 of 2024 with W.P.(S) No.5341 of 2024 With W.P.(S) No.5342 of 2024 W.P. (S) No. 5343 of 2024 with W.P. (S) No. 5371 of 2024 with W.P.(S) No.5373 of 2024 with W.P.(S) No.5383 of 2024 with W.P.(S) No.5390 of 2024 with W.P.(S) No.5391 of 2024 with W.P.(S) No.5405 of 2024 with W.P.(S) No.5406 of 2024 with W.P.(S) No.5428 of 2024 with W.P.(S) No.5430 of 2024 with W.P.(S) No.5431 of 2024 with W.P.(S) No.5432 of 2024 with W.P.(S) No.5433 of 2024 with W.P.(S) No.5447 of 2024 with W.P.(S) No.5451 of 2024 with W.P.(S) No.5496 of 2024 with W.P.(S) No.5503 of 2024 with W.P.(S) No.5504 of 2024 with W.P.(S) No.5505 of 2024 with W.P.(S) No.5526 of 2024 with W.P.(S) No.5540 of 2024 with W.P.(S) No.5548 of 2024 with W.P.(S) No.5572 of 2024 with W.P.(S) No.5616 of 2024 with W.P.(S) No.5645 of 2024 with W.P.(S) No.5658 of 2024 with W.P.(S) No.5659 of 2024 with W.P.(S) No.5665 of 2024 with W.P.(S) No.5689 of 2024 with W.P.(S) No.5692 of 2024 with W.P.(S) No.5699 of 2024 with W.P.(S) No.5714 of 2024 with W.P.(S) No.5732 of 2024 with W.P.(S) No.5758 of 2024 with W.P.(S) No.5766 of 2024 with W.P.(S) No.5767 of 2024 with W.P.(S) No.5773 of 2024 with W.P.(S) No.5783 of 2024 with W.P.(S) No.5792 of 2024 with W.P.(S) No.5795 of 2024 with W.P.(S) No.5802 of 2024 with W.P.(S) No.5805 of 2024 with W.P.(S) No.5821 of 2024 with W.P.(S) No.5831 of 2024 with W.P.(S) No.5832 of 2024 with W.P.(S) No.5833 of 2024 with W.P.(S) No.5549 of 2024 W.P.(S) No.5871 of 2024 with W.P.(S) No.5873 of 2024 with W.P.(S) No.5883 of 2024 with W.P.(S) No.5891 of 2024 with W.P.(S) No.5907 of 2024 with W.P.(S) No.5909 of 2024 with W.P.(S) No.5962 of 2024 with W.P.(S) No.5988 of 2024 with W.P.(S) No.6012 of 2024 with W.P.(S) No.6030 of 2024 with W.P.(S) No.1555 of 2024

with W.P.(S) No.6125 of 2024 with W.P.(S) No.6146 of 2024 with W.P.(S) No.6176 of 2024 with W.P.(S) No.6189 of 2024.

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

For the Petitioners : Mr. Ajit Kumar, Sr. Advocate
Mr. Rajiv Nanda, Sr. Advocate
Mr. Shekhar Prasad Gupta, Advocate
Mr. Ankit Kumar, Advocate
Mrs. Aanya, Advocate
Mr. Ravi Kumar, Advocate
Mr. Kunal Chandra Suman, Adv.
Mr. Abdullah Umar, Adv.
Mr. Gaurav Kumar, Advocate
Mr. Mukesh Kumar Sinha, Advocate
Mr. Syed Hozaita Arsh, Advocate
Mr. Ravi Kumar, Advocate
Mr. Rahul Kamlesh, Advocate
Mr. Vishal Kumar, Advocate
Mr. Rakesh Kumar Roy, Advocate
Ms. Shilpi, Advocate
Mr. Kamdeo Pandey, Advocate
Mr. Manoj Kr. No. 4, Advocate
Mr. Chanchal Jain, Advocate
Mr. Amritansh Vats, Adv.
Ms. Arpita Sinha, Adv.
Mr. Ajeet Kr. Singh, Adv.
Mr. Pratyush Shounikya, Adv.
Mr. Ram Prakash Singh, Adv.
Mr. Ranjit Kumar, Adv.
Mr. Akhilesh Prasad, Adv.
Mr. Mahesh Kr. Sinha, Adv.
Mr. Yogendra Yadav, Adv.
Mr. Krishna Prajapati, Adv.
Mr. Jai Mohan Mishra, Adv.
Mr. Saurabh Shekhar, Adv.
Mr. Subham Mishra, Adv.
Mr Nishant Kr, Adv.
Mr. Abhay Kishore, Adv.
Mr. Anand Kr. Sinha, Adv.
Mr. Anjani Kr. Verma, Adv.
Mr. Lalit Kr. Singh, Adv.
Mr. Nityanand Pd. Choudhary, Adv.
Mrs. Sarita Gupta, Advocate
Mr. Abhijeet Kumar, Advocate
Mr. Sabyasanchi, Advocate
Mr. Avilash Kumar, Advocate
Mr. Santosh Kr. Jha, Advocate
Mr. Anshuman Mishra, Advocate
Miss Apurva, Advocate
Ms. Seema Kashyap, Advocate
Mr. Aukitesh Kumar Jha, Advocate

	Mr. Arpit Kumar, Advocate
	Mr. Anil Kumar, Advocate
	Mr. Mukesh Kumar Mehta, Advocate
	Ms. Shristi Das, Advocate
	Mr. Vishnu Prabhakar Pathak, Advocate
	Mr. Rajiv Kr. Pandey, Adv.
	Mr. Rajesh Kumar, Advocate
	Mr. Ramanand Pandey, Adv.
	Mr. Binod Kumar Jha, Advocate
	Mr. Gaurav Priyadarshi, Adv.
	Mr. Aditya Ranjan, Advocate
	Mr. Abhishek Sharan, Adv.
	Mr. Shiv Prasad, Advocate
	Mr. Arvind Prakash Malakar, Advocate
	Mr. Vikash Kishore, Advocate
	Mr. Gopal Kumar Sinha, Advocate
	Mr. Kumar Pawan, Advocate
	Mr. Shubham Mishra, Advocate
	Mr. Anuj Kumar Trivedi, Advocate
	Mr. Kumar Pawan, Advocate
	Mr. Ranjit Kumar, Advocate
	Ms. Ganga Kumari Kachhap, Adv.
	Mr. Rajshree Sinha, Adv.
For the Resp.-JSSC	:Mr. Sanjoy Piprawall, Advocate
	Mr. Tejo Mistry, Adv.
	Ms. Risheet Singh, Adv.
	Mr. Rakesh Ranjan, Advocate
	Mr. Prince Kumar, Advocate
	Mr. Mina Kumari, Advocate
	Dr. Ashok Kumar Singh, Advocate
	Ms. Ayushri, Advocate
For the Resp.-State	:Mr. Jai Prakash, AAG-IA
	Ms. Pinky Tiwary, AC to AG
	Ms. Divya, AC to SC III
	Ms. Suman Marandi, AC to SC-IV
	Mr. Kishore Kr. Singh, A.C. to S.C.-V
	Mr. Ranjan Kumar, AC to Sr.S.C.-I
	Mr. Luv Kumar Tiwary, AC to AAG- V
	Ms. Rishi Bharti, AC to AAG-III
	Mr. J. F. Toppo, GA-V
	Mr. Neil Abhijit Toppo, AC to GA-V
	Mr. Lax Kr. Tiwary, AC to AAG-V
	Mr. Suresh Kumar, SC (L&C)-II
	Mr. Anshuman Kumar, AC to SC (L&C)-II
	Mr. Rajesh Kr. Singh, AC to SC (L&C)-II
	Mr. Munna Lal Yadav, S.C. (L & C)-III
	Mr. Priyadarshi, GP-VI
	Mrs. Chaitali C. Sinha, AC to AAG I-A
	Ms. Soumya S. Pandey, A.C. to AAG-I
	Mrs. Pinky Tiwary, AC to AG
	Mr. Rahul Saboo, GP-II
	Mr. Gaurang Jajodia, AC to GP -II
	Mr. Raunak Sahay, Advocate
	Ms. Mohini Gupta, AC to SC (M)-I

Ms. Shilpi, AC to SC (Mines) II
Ms. Amrita Banerjee, A.C. to G.P.-I
Mr. Devesh Krishna, SC (M)-III
Mr. Faizal Allam, Advocate
Mr. Rohit Kumar Gupta, Advocate
Mr. Nawal Kishor Pandey, Advocate
Mr. Uttam Kumar, Advocate
Mr. Rahul Dev, Advocate
Ms. Nirupama, A.C. to Sr. S.C.-II
Ms. Sunita Kumari, AC to Sr. SC-II
Mr. P.C. Sinha, A.C. to G.A-III
Mr. Abhinay Kumar, AC to GA-I
Md. Shahabuddin, SC-VII
Mr. Jeeshan Ahmad Khan, AC to SC-VII
Mr. Ashutosh Anand, AC to GP-IV
Mr. Pradeep Kumar, AC to AAG-IV
Mr. Piyush Anand, AC to SC-VI
Mr. Rituraj, AC to SC-VI
Mr. Ranjit Kumar, AC to GA (Bihar)

10/ 28.11.2024 Heard the parties.

2. Mr. Rajiv Ranjan, learned Advocate General appearing for the respondents makes a fair submission that all the appointments have been made in consonance with the order and direction of the Hon'ble Supreme Court. However, he prays for time to file specific affidavit regarding queries made by this Court on the previous date of hearing.
3. On the other hand, Mr. Ajit Kumar, learned senior counsel appearing for the petitioners submits that since several posts are still vacant and petitioners have scored more marks than the selected candidates their candidature ought to have been considered by the respondents. Learned senior counsel further argues that even the cut-off marks has not been fixed as per the order and direction of the Hon'ble Supreme Court. It has also been argued that figures given by the respondent-State regarding protected candidates are not in consonance with the order and direction of the Hon'ble Supreme Court and as such, same needs rectification. It has been further argued that the appointments be made strictly in consonance with the order and direction of the Hon'ble Supreme Court. Relying on the judgment rendered by the Hon'ble Apex Court dated 02.08.2022, learned senior counsel submits that only in scheduled districts, the appointments already made upto

02.08.2022 have been protected and those appointments after 02.08.2022 cannot be said to be protected.

4. Mr. Rajiv Nanda, learned senior counsel appearing for the petitioners submits that since the petitioners have qualified and are possessing requisite qualification to be appointed as Trained Graduate Teacher (TGT) and also in view of the fact that the matter has been kept pending for long years since 2016-17, they have become overage, their candidature should be considered, as many vacancies are still available, which have been surrendered by the State without any specific direction of the Hon'ble Supreme Court or by this Court.
5. Having heard the parties at length across the Bar, this Court is of the view that suffice it would be if a direction is given to the respective counsel including the learned Advocate General to file specific affidavit meeting out the queries made by this Court. The affidavits filed by the respective parties shall be exchanged and if required, reply to that effect be also filed. Parties are at liberty to file written notes of arguments. The affidavits be filed and exchanged before 10.12.2024.
6. Let all these cases be listed on 17.12.2024 under the heading "For Final Disposal".

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

R.Kr./kunal