

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 582 of 2023

Mina Kumari and Others		Petitioners
Versus		
The State of Jharkhand & Ors.		Respondents

With
W.P. (S) No. 1204 of 2019
with
W.P. (S) No. 6775 of 2018
With
W.P. (S) No. 1733 of 2020
With
W.P. (S) No. 4883 of 2021
With
W.P. (S) No. 812 of 2022
With
W.P. (S) No. 4631 of 2022
With
W.P. (S) No. 5710 of 2022
With
W.P. (S) No. 5776 of 2022
With
W.P. (S) No. 5777 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. 1881 of 2023
With
W.P. (S) No. 2044 of 2023
With
W.P. (S) No. 2075 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
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W.P. (S) No. 3196 of 2023
With
W.P. (S) No. 3273 of 2023
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W.P. (S) No. 3355 of 2023
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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
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W.P. (S) No. 4007 of 2023
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W.P. (S) No. 4008 of 2023
With
W.P. (S) No. 4072 of 2023
With

W.P. (S) No. 4106 of 2023
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W.P. (S) No. 4124 of 2023
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W.P. (S) No. 4138 of 2023
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W.P. (S) No. 4324 of 2023
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W.P. (S) No. 4326 of 2023
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W.P. (S) No. 4431 of 2023
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W.P. (S) No. 4664 of 2023
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W.P(S) No. 4780 of 2023
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W.P(S) No. 5138 of 2023
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W.P(S) No. 5307 of 2023
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W.P(S) No. 5406 of 2023
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W.P(S) No. 5603 of 2023
With
W.P(S) No. 5878 of 2023
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W.P(S) No. 5976 of 2023
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W.P. (S) No. 6010 of 2023
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W.P. (S) No. 6157 of 2023
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W.P.(S) No. 6296 of 2023
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W.P.(S) No. 6469 of 2023
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W.P. (S) No. 6907 of 2023
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W.P.(S) No. 7496 of 2023
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W.P.(S) No. 7498 of 2023
with

W.P. (S) No. 422 of 2024
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W.P. (S) No. 462 of 2024
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W.P. (S) No. 603 of 2024
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W.P. (S) No. 727 of 2024
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W.P. (S) No. 736 of 2024
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W.P. (S) No. 741 of 2024
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W.P. (S) No. 1256 of 2024
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W.P. (S) No. 1638 of 2024
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W.P. (S) No. 1915 of 2024
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W.P. (S) No. 2017 of 2024
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W.P. (S) No. 2034 of 2024
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W.P. (S) No. 2123 of 2024
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W.P. (S) No. 2133 of 2024
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W.P. (S) No. 2226 of 2024
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W.P. (S) No. 2282 of 2024
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W.P. (S) No. 2400 of 2024
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W.P. (S) No. 2402 of 2024
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W.P. (S) No. 2480 of 2024
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W.P. (S) No. 2493 of 2024
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W.P. (S) No. 2528 of 2024
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W.P. (S) No. 2622 of 2024
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W.P. (S) No. 2712 of 2024
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W.P. (S) No. 2816 of 2024
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W.P. (S) No. 2953 of 2024
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W.P. (S) No. 3051 of 2024
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W.P. (S) No. 3078 of 2024
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W.P. (S) No. 3095 of 2024
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W.P. (S) No. 3132 of 2024
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W.P. (S) No. 3149 of 2024
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W.P. (S) No. 3445 of 2024
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W.P. (S) No. 3511 of 2024
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W.P. (S) No. 3563 of 2024
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W.P. (S) No. 3569 of 2024
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W.P. (S) No. 3596 of 2024
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W.P. (S) No. 3604 of 2024
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W.P. (S) No. 3968 of 2024
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W.P. (S) No. 4024 of 2024
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W.P. (S) No. 4050 of 2024
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W.P. (S) No. 4090 of 2024
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W.P. (S) No. 4220 of 2024
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W.P. (S) No. 4246 of 2024
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W.P. (S) No. 4373 of 2024
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W.P. (S) No. 4505 of 2024
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W.P. (S) No. 4510 of 2024
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W.P. (S) No. 4662 of 2024
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W.P. (S) No. 4761 of 2024
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W.P. (S) No. 4769 of 2024
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W.P. (S) No. 4796 of 2024
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W.P. (S) No. 4818 of 2024
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W.P. (S) No. 4835 of 2024
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W.P. (S) No. 4837 of 2024
With
W.P. (S) No. 4847 of 2024
With
W.P. (S) No. 4868 of 2024

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Mr. Ajit Kumar, Sr. Adv.
Mr. Indrajit Sinha, Adv.
Mr. Shekhar Prasad Gupta, Adv
Mr. Ravi Kumar, Advocate
Mr. Kunal Chandra Suman, Adv
Mr. Abdullah Umar, Adv.
Mr. Gauraw Kumar, 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
Mr. Lalit Kr. Singh, Adv.
Ms. Arpita Sinha, Adv.
Mr. Ajeet Kr. Singh, Adv
Mr. Pratyush Shounikya, Adv.
Mr. Ram Prakash Singh, Adv.
Mr. Abdullah Umar, Adv.
Mr. Ranjit Kumar, Adv.
Mr. Ravi Kumar, Adv
Mr. Rakesh Kr. Roy, 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. Abhay Kishore, Adv.
For the JSSC : Mr. Sanjoy Piprawall, Advocate
Mr. Tejo Mistry, Adv.
Ms. Richa Sanchita, Adv.
: Mr. Rakesh Ranjan, Advocate
: Mr. Prince Kumar, Advocate

For the State : Mr. Saurabh Sagar, AC to SC III
: Mr. Shivam Anand Pathak, Adv.
: Mr. Divyam, A.C. to S.C.-V
Mr. Anish Kr. Mishra, AC to Sr.S.C.-I
: Mr. Luv Kumar Tiwary, AC to AAG V
: Mr. Anshuman Kumar, AC to SC (L&C)-II
: Mr. Munna Lal Yadav, S.C. (L & C)-III
: Mr. Uttam Kumar Das, AC to GP 6
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, Advocate
: Mr. Gaurang Jajodia, AC to GP II
: Mr. Raunak Sahay, Advocate
: Ms. Shilpi, AC to SC (Mines) II
: Mr. Faisal Allam, A.C. to S.C. (Mines)III
: Ms. Amrita Banerjee, A.C. to G.P.-I
Mr. Devesh Krishna, Advocate
: Mr. Faizal Allam, Advocate
: Mr. Anuj Kumar Trivedi, 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
: Mr. Rakesh Kr. Roy, A.C. to G.A-III

12/Dated: 5th September, 2024

Order Dated 05th August, 2024 reads as follows:

“Heard learned counsel for the parties.

2. *All these writ applications have been preferred by the respective petitioners praying for a direction upon the respondent-Authorities to consider the respective case of these petitioners as they have scored higher marks in qualifying examination held by Jharkhand Staff Selection Commission.*

*The controversy involved in all these writ applications travelled up till Hon’ble Apex Court in the case of **Satyajit Kumar & Ors. with analogous cases**. The Hon’ble Apex Court in the said case vide its order dated 02.08.2022 has held as under (the relevant portion of the aforesaid order is quoted hereinbelow):-*

“28. However, at the same time, the directions issued by the High Court in the impugned judgment and order while setting aside all the appointments made pursuant to the Notification/Order dated 14.07.2016 and Advertisement No 21 of 2016 dated 28.12.2016 as modified on 04.12.2017 and to go in for fresh/de novo recruitment process for the Scheduled Areas/Districts is hereby modified. It is now directed that instead of fresh/de novo recruitment process by setting aside the appointments already made in the Scheduled Districts/Areas, the State shall revise the merit list based on the

already published cut off obtained by the last selected candidates in each TGT subject against the respective categories with respect to entire State and respective candidates belonging to the non- Scheduled Areas and Scheduled Areas (Districts) shall be adjusted accordingly on the basis of individual merit of the candidates. The present directions are issued considering the peculiar facts and circumstances of the case and more particularly considering the fact that there are already vacant posts of teachers in the State (in both Scheduled and non-Scheduled Area). We are of the view that if the appointments already made are set aside and fresh de novo recruitment process for such posts is initiated, a number of schools in the Scheduled Areas shall be without any teacher which may ultimately affect larger public interest and education of concerned children in the Scheduled Areas.

Present direction is issued in exercise of powers under Article 142 of the Constitution of India in the larger public interest of Scheduled Areas/Districts.....”

3. The Hon’ble Apex Court has further clarified its previous order in Contempt Petition (C) No.612 of 2022 in Civil Appeal No. 4044 of 2022 and gave following directions:-

“.....We pass further following order in furtherance of our earlier judgment and order dated 02.08.2022 as well as subsequent order dated 02.12.2022, as under:-

1.that the State shall prepare merit list state-wise pursuant to the applications already invited:

2. that the candidates who already applied for scheduled area and they were not offered appointments in the scheduled area in view of earlier notification which has been struck down, they may be adjusted as per the earlier judgment and order dated 02.08.2022;

3. thereafter, the appointment to be made with respect to 425 candidates who were the original writ petitioners before the High Court as well as in whose favour subsequently some orders are passed by the High Court:

4. that thereafter the remaining vacant posts meant for direct recruitment (75%) shall be filled in absolutely on the basis of merit as per the state wise merit list and subject wise and after following due procedure as required, namely counseling etc.;

5. thereafter, so far as the posts remain vacant meant for promotion (25%) are concerned, the same may be filled in by operating the State wise merit list in accordance with law. Meaning thereby, if any candidate for the promotional quota is not available, in that case the remaining vacancies be filled in according to proviso to Rule 9 of the Rules, 2015.

However, it is made clear that the merit list be operated and the appointments be made restricted to the total vacancies advertised/notified. 17,786 posts only.

It is also made clear that High Court shall not pass any contrary order with respect to the recruitment in question.”

4. After much deliberation with respect to implementation of the Hon’ble Apex Court order, this Court is of the view that the entire controversy with regard to consideration will be resolved by publishing the State wise merit list on the concerned website of the respondent-JSSC.

5. Mr. Piprawall, learned counsel representing the Respondent-JSSC fairly submits that since the software which is already available with the JSSC is not up to the mark and they will require about 10 days upgrading its software and uploading the said State wise merit list.

6. Learned counsels appearing for the petitioners do not have any serious objection.

7. Accordingly, this court directs that the respondent-JSSC shall publish/upload the State-wise merit list strictly in the compliance to the order passed by the Hon’ble Apex Court which has been referred to hereinabove within a period of 2 weeks from today.

All the individual petitioners are directed to see the website after publication of the State wise merit list in each subject and they will verify their own result and come prepared on the next date of hearing, if at all, their cases are required to be considered.

8. *It goes without saying that the above State-wise merit list which is to be uploaded on website is with respect to those subjects for which results are already published and appointments are going on and it is not for those subjects where the result is not at all published and the process is underway.*

9. *In view of the aforesaid direction, list all these cases on 05.09.2024.”*

[Emphasis Supplied]

2. In paragraph No.7 of the earlier order, the respondent-JSSC was directed to publish / upload the State-wise merit list strictly in compliance of the order passed by the Hon’ble Apex Court, which is referred to hereinabove within a period of two weeks and the case was posted for today i.e. on 05.09.2024.

3. Today, Mr. Innocent Tudu, who is from the office of the Jharkhand Staff Selection Commission (In short JSSC), who claims to be competent and possess all requisite knowledge is also present with Mr. Sanjoy Piprawall, learned counsel representing JSSC. In order to assist this Court, two staffs from the registry/CPC, Jharkhand High Court, are also present to open the website of Jharkhand Staff Selection Commission in order to peruse the State-wise merit list; however, after going through the website, it appears that the State-wise merit list has not yet been uploaded on the website.

4. Mr. Innocent Tudu fairly submitted before this Court that the website will only show the Score-Card of the respective applicant with cut off marks of each category.

5. This was never the object of this Court nor was it the intent of the order dated 5th August, 2024. The aforesaid order passed on 5th August, 2024, was made pursuant to grave apprehension of learned counsels for the respective petitioners about mass-bungling and breach of Hon’ble Apex Court’s order in not publishing the *State-Wise Merit List* and

continued with the appointment process.

6. At this stage Mr. Piparwal, Ld Counsel for the JSSC submitted that the State wise Merit List will be uploaded today / tomorrow, which clearly shows that the JSSC not only had the wherewithal to publish the same and the only conclusion that can be arrived at this stage is that they did not intend to comply with the order deliberately with some ulterior motive. Therefore, the aforesaid order has not been complied in any manner.

7. Forced with this situation, the Chairman-JSSC is directed to appear in person tomorrow i.e., on 06.09.2024 at 11:30 A.M. to show cause as to why the order passed by this Court has not been complied with by publishing/uploading the "*State-Wise Merit List*", and why not a contempt proceeding be initiated against him for deliberately flouting the order; not of this Court only, but also of the Hon'ble Apex Court.

It goes without saying that the representative of respondent-JSSC itself, before this Court, has categorically stated that only Score Card of a candidate is uploaded and State-wise merit list has not yet been uploaded on the website which became evident from perusal of the JSSC website.

8. List this case tomorrow i.e., on 06.09.2024 at 11:30 A.M.

9. Let a copy of this order be also sent to the Office of the learned Advocate General, who shall also be present in order to assist this Court.

(Deepak Roshan, J.)

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