

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 3882 of 2005

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Ajay Kumar Gupta son of late Narayan Prasad Gupta, Assistant Teacher Primary School Rajbari Anchal Pakoriya, Sub-division & District -Pakur, resident of village - Gulibhata, Argara Road, P. S., Subdivision & District-Sahibgang

..... Petitioner

Versus

1. The State of Jharkhand.
2. The Secretary-cum-commissioner, Department of Human Resources and Development Govt. of Jharkhand, Ranchi
3. Director Primary Education, Govt. of Jharkhand Ranchi.
4. Deputy Commissioner, Pakur.
5. Deputy Commissioner, Sahibgang
6. District Superintendent of Education-cum Subdivisional Education Officer, Pakur.
7. District Superintendent of Education, Sahibgang

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : M/s. Vani Kumri, Advocate

For the Respondents : Mr. Suresh Kumar, S.C(L&C)-II

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19/09.07.2025

Ms. Vani Kumari, learned counsel appearing for the Petitioner submits that in spite of her best efforts she could not contact the Petitioner; however, she draws attention of this Court towards Annexure-1 which was filed by the Petitioner before Patna High Court being CWJC No. 1102 of 1996.

2. To understand the entire case, the order dated 09.07.1997 is extracted hereinbelow:

“ The petitioner, an assistant teacher of Primary School has filed this writ petition for direction on the respondents to consider the case of the petitioner for regular appointment to the post of assistant teacher, if necessary, after allowing the petitioner to appear before the supplementary interview board.

It is not necessary to go into the detail facts of the case. Certain appointments were made in the year 1981-82 by the District Superintendent of Education, at Dumka and Sahibganj. The petitioner along with others were appointed as Assistant Teacher in different Primary schools. However, such

appointments were subsequently cancelled when the persons had to move before this Court then before the Supreme Court. By virtue of Court's order, the petitioner is continuing for the present as Assistant Teacher in the Primary school. In pursuance of the Supreme Court decision, the respondents again come out with advertisement in the newspaper 'Hindustan' on 14.3.91. By the said letter, such appointees of 1981-82, including the petitioner were directed to appear in the interview for consideration of their cases for regular appointment to the post of assistant teacher. The interview was scheduled from 24.4.91 to 27.4.91. According to the petitioner, he fell ill at the time of interview and so could not attend the interview and he recovered on 28.4.91. It is alleged that the petitioner filed different representations requesting the respondents to interview the petitioner, if necessary, through a supplementary Selection Board for consideration of case of the petitioner for regular appointment but till date, the petitioner has not been called for such interview. It is stated that persons, who were interviewed in the month of April, 1991 they have now been provided with regular order of appointment in the month of January, 1996.

The interview was scheduled to be held in between 24.4.91 and 27.4.91, where the petitioner could not appear in the said interview for one or other reason. I am not deciding the merit as to whether the petitioner was prevented from such appearance from interview or not. However, as more than five years have passed, appointments have already made upto January, 1996, I am not inclined to direct the respondents to interview the petitioner through a Supplementary Selection Board. Such prayer of the petitioner is rejected. However, it is made clear that if the respondents fill up the posts of assistant teachers in Primary School in future, then in that case, they will consider the case of the petitioner for regular appointment. If the petitioner becomes overage by that time, they will relax the age of the petitioner taking into note that he is in the Government service. It will also be open to the respondents to give weightage in favour of the petitioner being appointed in the year 1981-82 and being in their service.

The writ petition stands disposed of, with the aforementioned observations/directions."

3. From the counter affidavit, it appears that the main ground for non-selection of the petitioner is that on the date of interview the Petitioner did not go to the concerned place, which is also apparent from the order referred to hereinabove. It is also an admitted fact that the

entire appointment at that time was back door entry and for that several writ petitions were filed before Patna High Court. The matter went up to Hon'ble Supreme Court and thereafter the Hon'ble Supreme Court has directed the Respondents to look into the matter and if the candidates are genuine, they should be given appointment.

4. From the averments made in the writ application also, it is clear that the petitioner did not go for the interview and thereafter he filed a representation regarding his illness which was not considered, but admittedly in the year 2025, he has crossed the age of date of superannuation.

5. Having regard to the aforesaid facts and circumstances, the impugned order does not require any interference; as such, no relief can be granted to the Petitioner. Accordingly, the instant writ petition stands disposed of.

(Deepak Roshan, J.)

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