

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 549 of 2025

Kedar Nath Mahto, aged about 41 years S/o Nehali Ram Mahto, R/o-111A, Koyari Zara, Baraikala, P.O. Chandipur, P.S. Kasmar, District-Bokaro, Jharkhand.Petitioner

Versus

1. The State of Jharkhand.
2. Uma Shankar Singh, Secretary School of Education and Literacy Department, Government of Jharkhand having its office at Project Building, P.O.+P.S. Dhurwa, District-Ranchi, Jharkhand.
3. Shashi Prakash Singh, the Director, Primary Education, School Education and Literacy Department, Government of Jharkhand having its office at Project Building, P.O.+P.S. Dhurwa, District-Ranchi, Jharkhand.
4. Megha Bhardwaj, Deputy Commissioner cum Chairman, District Education Establishment Committee, Koderma, having its office at P.O. +P.S. Koderam, District-Koderma, Jharkhand.
5. Ajay Kumar the District Superintendent of Education, Koderma, having its office at P.O. +P.S. Koderam, District-Koderma, Jharkhand. Opposite Parties

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Rupesh Singh, Adv.
Mr. Jagdeesh, Adv
Mr. Harshit Sahay, Adv
For the Opposite Parties : Mr. Ashutosh Anand, AAG-III
Ms. Rishi Bharti, A.C. to AAG-III

06/19.11.2025

This petition has been filed by the Petitioner for initiation of contempt proceeding against the Opposite Parties for their wilful and deliberate non-compliance of order dated 14.11.2024 in WPS 1241/2021.

2. On 13.06.2025 and 18.07.2025, the Opposite Party No.5 (Mr. Ajay Kumar), District Superintendent of Education, Koderma was directed to appear in person because the order

was not complied with in spite of sufficient time availed by him. The matter was adjourned to 01.08.2025, on which date the Opposite Party No. 5 was again directed to be present physically. After hearing the parties and the Opposite Party No.5, last indulgence was granted to him for compliance and the case was adjourned to 29.08.2025.

3. In the interregnum, Opposite Parties 4 & 5 filed a show cause affidavit on 22.04.2025, stating there in that on 10.12.2024, the matter of the Petitioner was placed before District Education Establishment Committee and it was decided to place the candidature of the petitioner for consideration in the next meeting after obtaining legal opinion from the Department. The Opposite Party No. 5 issued Memo No. 53 dated 27.01.2025 to the Department of School Education & Literacy which was responded by the Department vide Letter No.84 dated 13.02.2025.

4. The Letter No. 84 dated 13.02.2025 directed the Opposite Party No.5 to act urgently and to act in the light of Letter No. 2537 dated 30.10.2015 relating to *Horizontal Reservation*.

It has been further stated that the District Education Establishment Committee in its meeting took a decision on 18.03.2025 which has been brought on record as Memo

No.341/Koderma dated 19.03.2025 (Annexure-C); wherein the case of the Petitioner was regretted.

5. Petitioner filed a supplementary affidavit on 07.05.2025 to demonstrate the falsity of the statements made by the Opposite Party No.5 on oath before this Court.

(i) Annexure-1 to the Supplementary affidavit filed by the Petitioner is a chart prepared by Opposite Party No.4 and 5 dated 09.08.2024 indicating the score of the last selected candidate after the 10th / last counselling. The Chart shows the vacancy position on 09.08.2024, wherein the vacancy under B.C.-2 Female is 1 (one). No vacancy is indicated against Male B.C.-2 category.

(ii) Annexure 2 to the Supplementary Affidavit is Memo No. 745 dated 19.06.2024, is also under the signature of Opposite Party No.4 & 5. Perusal of the same indicates that the same is in relation to the vacancy position after the previous/9th counselling, for inviting objection petition by candidates in view of order passed in LPA No.203/2022 and connected office orders issued by the Department. The said Memo dated 19.06.2024 reads as under:

- A) Objection petitions are invited from 22.06.2024 to 22.07.2024 by the candidates who had applied earlier.*
- B) Objections shall be scrutinised on 23.07.2024 and list for counselling will be uploaded on 23.07.2024.*

*C) Counselling will be conducted on **01.08.2024**.*

*D) Final select list will be published on **07.08.2024**.*

(iii) As per the chart appended to Memo dated 19.06.2024, disclosing the marks obtained in the last counselling i.e., 9th counselling in Koderma District, no male candidate under B.C.-2 category was selected and thereby '0' (zero) was indicated as cut off for B.C.-2 Male candidates and the last selected female candidate score is indicated as 50.88.

It further disclosed that the previous counselling was done on 03.06.2019 (9th Counselling) and the vacancy position as to B.C.-2 category was 1 (one).

6. Thus, Annexure-2 is dated 19.06.2024 prior to final / last / 10th counselling on 01.08.2024 and Annexure 1 is dated 09.08.2024 i.e., after the final counselling on 01.08.2024. By conjointly reading, it discloses that one seat which was vacant in 9th counselling due to denial of appointment to the Petitioner, is still vacant after final and 10th counselling on 01.08.2024.

7. Apparently, the Opposite Part No.5, in his Show Cause affidavit dated 22.04.2025 has made false statements and tried to mislead the Court. The Conduct of Opposite Part No.4 is no less misleading in his Memo No.341 dated 19.03.2025. The reasons assigned by him/her for not considering the case

of the Petitioner is based on wholly misleading facts and fanciful figures.

8. The Opposite Parties 4 and 5 filed another show cause on 16.07.2025 wherein they stated that the last selected Male B.C.-2 Non-Para candidate scored 57.92 and Female scored 61.26. They have further stated that Female B.C.-2 seat could not be filled due to absence of eligible male candidate who exceeded the last selected candidate's cut off of 57.92. It has been averred that two female candidates were called for counselling on the last vacant female seat but they did not turn up in counselling.

9. Thereafter, the Opposite parties filed another show cause on 30.08.2025. stating bluntly that opposite parties are duty bound to follow merit and cannot compromise recruitment standards to accommodate ineligible candidates and that one vacant seat cannot be treated as automatic entitlement of the Petitioner.

10. This is clear challenge to the majesty of law and the order passed by this Court in the writ petition. The Court has clearly held that the Respondents cannot keep the seat vacant under female Horizontal reservation, which was not filled up after 9th counselling in which the petitioner was the top scorer in his category i.e., B.C.-2.

11. There is a categorical finding vide para 8 of the order passed in the writ application that no female candidate was available in the 9th counselling for the one post under horizontal reservation, as was evidenced from list dated 07.11.2020 prepared by the Respondents.

Vide para 9 of the order, it has been held that respondents accepted one vacancy after 9th counselling under female horizontal reservation as per meeting dated 18.06.2019 and it also records that no female participated in 9th counselling. The above finding has attained finality and cannot be disputed by the Opposite Parties.

12. This Court had disposed the writ petition on 14.11.2024, clearly holding that in the year 2019, no female candidate was selected on the sole vacancy available after 8th counselling under B.C.-2 category. It has been further held that female seats under Horizontal reservation cannot be carried forward and the respondents are duty bound to release the same to the petitioner as he is above all other candidates under O.B.C. in 9th counselling.

13. Having regards to the above factual scenario, it is evident that the Opposite parties have made whole hearted attempt to mislead and, in their zeal, have made statements which are false, scandalous, and contemptuous; which

apparently leads to inference that the Opposite Parties 4 and 5 are wilfully and deliberately disobeying the order of this Court.

As a word of caution this court deems it fit to remind the Opposite Parties 4 and 5 that orders of the Court are not to be interpreted to their subjective understanding. Moon-shine defence of understanding is no excuse to non-compliance of orders of the Court.

14. However, by taking a lenient view against Opposite Parties 4 and 5; by way of last indulgence, the concerned Opposite Parties are directed to comply the order in true letter and spirit; failing which, Form -1 will be issued.

15. List this Case on 09.01.2026.

(Deepak Roshan, J.)

November 19, 2025

Amardeep/-