

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. 6775 of 2018
With
W.P. (S) No. 1733 of 2020
With
W.P. (S) No. 4618 of 2021
With
W.P. (S) No. 4619 of 2021
With
W.P. (S) No. 4883 of 2021
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. 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. 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. 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. 4124 of 2023
With
W.P. (S) No. 4138 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. 4664 of 2023
With

W.P(S) No. 4780 of 2023
With
W.P(S) No. 5138 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. 5878 of 2023
With
W.P(S) No. 5976 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. 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. 1915 of 2024
With
W.P. (S) No. 2034 of 2024

With
W.P. (S) No. 2226 of 2024
With
W.P. (S) No. 2402 of 2024
With
W.P. (S) No. 2480 of 2024
With
W.P. (S) No. 2528 of 2024
With
W.P. (S) No. 2716 of 2024
With
W.P. (S) No. 2724 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. 3096 of 2024
With
W.P. (S) No. 3511 of 2024
With
W.P. (S) No. 3563 of 2024
With
W.P. (S) No. 3596 of 2024
With
W.P. (S) No. 3604 of 2024
With
W.P. (S) No. 4050 of 2024
With
W.P. (S) No. 4220 of 2024
With
W.P. (S) No. 4246 of 2024

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Mr. Ajit Kumar, Sr. Adv.
Mr. Indrajit Sinha, Adv.
Mr. Ravi Kumar, Advocate
Mr. Shekhar Prasad Gupta, Adv
Mr. Kunal Chandra Suman, Adv

	Mr. Abdullah Umar, Adv.
	Mr. Gaurav 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
For the JSSC	: Mr. Sanjoy Piprawall, Advocate
	: Mr. Rakesh Ranjan, Advocate
	: Mr. Prince Kumar, Advocate
For the State	: Ms. Divya, AC to SC III
	: Mr. Shivam Anand Pathak, Adv.
	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. Uttam Kumar Das, AC to GP 6
	Mrs. Chaitali C. Sinha, AC to AAG I-A
	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. Mr. Anil Kumar Singh, AC to GP 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

11/Dated: 5th August, 2024

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.

(Deepak Roshan, J.)

Amardeep/