

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 188 of 2023

1. Asha Devi, W/o Tarun Kumar Singh, R/o Village-Gulli Bhatta, Ward No. 15, PO, PS & District-Sahibganj
2. Ravi Verma, S/o Sachidanand Prasad, R/o Village-Sakrugarh, Near Masjid, PO, PS & District-Sahibganj
3. Rakesh Kumar Awasthi, S/o Pratap Narayan Awasthi, R/o Village-Talbanna, PO, PS & District-Sahibganj
4. Kumar Rishikesh, S/o Anandi Prasad Lal, R/o Village-Purani Sahibganj, PO, PS & District-Sahibganj

... ... Appellants

1. The State of Jharkhand
2. The Commissioner, Santhal Pargana Division, Dumka
3. The Joint Director (Agriculture), Santhal Pargana Zone, Dumka
4. The Deputy Commissioner, Sahibganj
5. The Deputy Collector (Establishment), Sahibganj
6. The District Agriculture Officer, Sahibganj

... ... Respondents

1. Durga Nand Prasad, S/o Dayanand Prasad, R/o Village-Chota Pachgarh Jirwabadi, PO, PS & District-Sahibganj
2. Sk. Farukh Ahmad, S/o Sk. Naimuddin, R/o Village-Khijuria, PO, PS & District-Dumka

... ... Performa Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants	: Mr. Abhishek Sriwastava, Advocate
For the Respondent-State	: Mr. Yogesh Modi, AC to AAG-IA

Order No. 04

Dated: 05.05.2026

1. Heard learned counsel for the parties.
2. This L.P.A. is directed against the learned Single Judge's order dated 02.03.2017 dismissing the appellants' W.P.(S) No. 2386 of 2008.
3. Though the learned Single Judge made the impugned order on 02.03.2017, this L.P.A. was filed only on 13.04.2023. It was ex facie barred by the law of limitation, and yet, the same was not accompanied by the application/I.A. seeking condonation of delay.
4. Learned counsel for the appellants argued that the appellants had filed a review against the impugned order dated 02.03.2017, which

was dismissed by order dated 15.03.2023. He submitted that the limitation should therefore be counted from 15.03.2023.

- 5.** This contention is misconceived. Limitation will have to be counted from the date of the impugned order dated 02.03.2017. At the highest, if any application for condonation of delay were to have been filed, the appellants could have urged the pendency of the review petition as one of the grounds for condonation of delay.
- 6.** Incidentally, the appellants filed L.P.A. No. 184 of 2023 to challenge the order dated 15.03.2023 by which the review petition was dismissed. Since no such L.P.A was maintainable, the same was withdrawn.
- 7.** The second issue in this matter is that the appellants had preferred L.P.A. No. 252 of 2017 to challenge the learned Single Judge's impugned order dated 02.03.2017. However, after the delay was condoned in filing this L.P.A, the appellants withdrew the L.P.A. No. 252 of 2017 with liberty to file a review petition.
- 8.** The review petition was then dismissed on 15.03.2023, and even the L.P.A. against the order dated 15.03.2023 was withdrawn as not maintainable. In these circumstances, it is quite doubtful whether the present L.P.A would be maintainable or would attract the principle of res judicata.
- 9.** Be that as it may, even by indulging the appellants and not going into the issues of maintainability either by applying the principle of res-judicata or because the present L.P.A is barred by limitation, we find that even on merits, this L.P.A. warrants dismissal.
- 10.** The appellants' entire case was that some candidates who had

secured age relaxation, which was available to reserved category candidates, were ultimately appointed to the general category posts, simply because they had secured more marks than the appellants and other general category candidates.

- 11.** Firstly, no such point was urged before the learned Single Judge who made the order dated 02.03.2017. Learned counsel for the appellants now submits that such a point was argued but is not reflected in the impugned order.
- 12.** The above argument cannot be entertained because the record of the Court, as reflected in its *roznama* or orders, cannot be varied based on such an assertion made before the appellate court. If there was any grain of truth in the assertion now made, then the appellants should have adopted the procedure prescribed for having the necessary correction made in the order dated 02.03.2017. Instead, the appellants chose to institute the review petition and, after it was dismissed, attempted to file a Letters Patent Appeal, which was again withdrawn because it was not maintainable.
- 13.** In the order dated 15.03.2023 by which the review petition was dismissed, the learned Single Judge, in paragraph-9, has clearly observed that *no quantifiable data was produced by the petitioners (appellants) nor had they pleaded that the twelve candidates who were appointed against the general category vacancies had crossed the maximum age limit prescribed for a general category candidate.*
- 14.** Accordingly, the very premises of the submission now made in this appeal do not appear to be backed by any factual material. An attempt was therefore made at this stage to produce some

document, according to which some factual support would be given to the assertion now made.

- 15.** Considering the absence of pleadings and the fact that such a plea was not even advanced before the learned Single Judge in the first instance, we do not think that we should, relying on the annexure now sought to be handed over to us, interfere with the impugned order dated 02.03.2017. This is more so because there is no dispute that the candidates appointed had much higher marks than the appellants here. Even reserved-category candidates who secure more marks than general-category candidates can be appointed against general-category seats. Therefore, it would not be proper to disturb the appointments of such 12 candidates at this belated juncture, especially when most of such appointees were not even impleaded as parties.
- 16.** For all the above reasons, we dismiss this L.P.A. without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

May 05, 2026
Manish/Ritesh
N.A.F.R.

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