

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 582 of 2023

(Mina Kumari & Ors. Vs. The State of Jharkhand through the Chief Secretary & Ors.)

WITH

W.P. (S) No. 1204 of 2019 With W.P. (S) No. 6775 of 2018 With W.P. (S) No. 812 of 2022 With W.P. (C) No. 4631 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. 2044 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 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. 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 With W.P. (S) No. 4007 of 2023 With W.P. (S) No. 4008 of 2023 With W.P. (S) No. 4072 of 2023 With W.P.(S) No.4095 of 2023 With W.P. (S) No. 4106 of 2023 With W.P. (S) No. 4124 of 2023 With W.P. (S) No. 4138 of 2023 With W.P.(S) No.4219 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.4662 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. 5866 of 2023 With W.P(S) No. 5878 of 2023 With W.P(S) No. 5976 of 2023 With W.P. (S) No. 6010 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.6578 of 2023 With W.P. (S) No. 6907 of 2023 With W.P.(S) No.6981 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. 1256 of 2024 With W.P. (S) No. 1638 of 2024 With W.P.(S) No.1877 of 2024 With W.P. (S) No. 1915 of 2024 With W.P.(S) No.2003 of 2024 With W.P. (S) No. 2017 of 2024 With W.P. (S) No. 2034 of 2024 With W.P.(S) No.2119 of 2024 With W.P. (S) No. 2123 of 2024 With W.P. (S) No. 2133 of 2024 With W.P. (S) No. 2226 of 2024 With W.P. (S) No. 2282 of 2024 With W.P. (S) No. 2400 of 2024 With W.P. (S) No. 2402 of 2024 With W.P.(S) No.2404 of 2024 With W.P. (S) No. 2480 of 2024 With W.P.(S) No.2481 of 2024 With W.P. (S) No. 2493 of 2024 With W.P. (S) No. 2528 of 2024 With W.P. (S) No. 2622 of 2024 With W.P. (S) No. 2712 of 2024 With W.P. (S) No. 2716 of 2024 With W.P. (S) No. 2724 of 2024 With W.P. (S) No. 2816 of 2024 With W.P. (S) No. 2901 of 2024 With W.P. (S) No. 2953 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. 3095 of 2024 With W.P. (S) No. 3096 of 2024 With W.P. (S) No. 3132 of 2024 With W.P. (S) No. 3149 of 2024 With W.P. (S) No. 3445 of 2024 With W.P. (S) No. 3511 of 2024 With W.P. (S) No. 3521 of 2024 With W.P. (S) No. 3563 of 2024 With W.P. (S) No. 3569 of 2024 With W.P. (S) No. 3596 of 2024 With W.P. (S) No. 3604 of 2024 With W.P. (S) No. 3790 of 2024 With W.P. (S) No. 3968 of 2024 With W.P. (S) No. 4024 of 2024 With W.P. (S) No. 4050 of 2024 With W.P. (S) No. 4067 of 2024 With W.P. (S) No. 4090 of 2024 With W.P. (S) No. 4220 of 2024 With W.P. (S) No. 4246 of 2024 With W.P. (S) No. 4373 of 2024 With W.P. (S) No. 4505 of 2024 With W.P. (S) No. 4510 of 2024 With W.P. (S) No. 4523 of 2024 With W.P. (S) No. 4536 of 2024 With W.P. (S) No. 4595 of 2024 With W.P. (S) No. 4613 of 2024 With W.P. (S) No. 4639 of 2024 With W.P. (S) No. 4662 of 2024 With W.P. (S) No. 4700 of 2024 W.P. (S) No. 4709 of 2024 With W.P. (S) No. 4761 of 2024 With W.P. (S) No. 4769 of 2024 With W.P. (S) No. 4796 of 2024 With W.P. (S) No. 4818 of 2024 With W.P. (S) No. 4834 of 2024 With W.P. (S) No. 4835 of 2024 With W.P. (S) No. 4837 of 2024 With W.P. (S) No. 4840 of 2024 With W.P. (S) No. 4847 of 2024 With W.P. (S) No. 4868 of 2024 With W.P. (S) No. 4876 of 2024 With W.P. (S) No. 4893 of 2024 With W.P. (S) No. 4898 of 2024 With W.P. (S) No. 4926 of 2024 With W.P. (S) No. 4930 of 2024 With W.P. (S) No. 4932 of 2024 With W.P. (S) No. 4948 of 2024 With W.P. (S) No. 4949 of 2024 With W.P. (S) No. 4972 of 2024 With 4974 of 2024 With W.P. (S) No. 4978 of 2024 With W.P. (S) No. 4999 of 2024 With W.P. (S) No. 5019 of 2024 With W.P. (S) No. 5026 of 2024 With W.P. (S) No. 5044 of 2024 With W.P. (S) No. 5055 of 2024 With W.P. (S) No. 5075 of 2024 With W.P. (S) No. 5112 of 2024 With W.P. (S) No. 5134 of 2024 With W.P. (S) No. 5139 of 2024 With W.P. (S) No. 5155 of 2024 With W.P. (S) No. 5171 of 2024 W.P. (S) No. 5174 of 2024 W.P. (S) No. 5182 of 2024 With W.P. (S) No. 5197 of 2024 With W.P. (S) No. 5271 of 2024 With W.P. (S) No. 5310 of 2024 With W.P. (S) No. 5341 of 2024 With W.P. (S) No. 5342 of 2024 With W.P. (S) No. 4884 of 2024 With W.P. (S) No. 5658 of 2024 With W.P. (S) No. 5689 of 2024 With W.P. (S) No. 5692 of 2024 With W.P. (S) No. 5699 of 2024 With W.P. (S) No. 5732 of 2024 With W.P. (S) No. 5279 of 2024 With W.P. (S) No. 5285 of 2024 With W.P. (S) No. 5373 of 2024 With W.P. (S) No. 5390 of 2024.

CORAM : HON'BLE DR. JUSTICE S.N.PATHAK

For the Petitioners	: M/s Ajit Kumar, Sr. Adv. Mr. Shekhar Prasad Gupta, Adv. Mr. Indrajit Sinha, Adv. Mr. Ankit Kumar, Advocate Mrs. Aanya, Advocate Mr. Ravi Kumar, Advocate Mr. Kunal Chandra Suman, Adv. Mr. Abdullah Umar, Adv. Mr. Gaurav Kumar, Advocate
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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.
 Ms. Arpita Sinha, Adv.
 Mr. Ajeet Kr. Singh, Adv.
 Mr. Pratyush Shounikya, Adv.
 Mr. Ram Prakash Singh, Adv.
 Mr. Ranjit Kumar, 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 Nishant Kr, Adv.
(Through V.C.)
 Mr. Abhay Kishore, Adv.
 Mr. Anand Kr. Sinha, Adv.
 Mr. Anjani Kr. Verma, Adv.
 Mr. Lalit Kr. Singh, Adv.
 Mr. Nityanand Pd. Choudhary, Adv.
 Mrs. Sarita Gupta, Advocate
 Mr. Abhijeet Kumar, Advocate
 Mr. Sabyasanchi, Advocate
 Mr. Avilash Kumar, Advocate
 Mr. Santosh Kr. Jha, Advocate
 Mr. Anshuman Mishra, Advocate
 Miss Apurva, Advocate
 Ms. Seema Kashyap, Advocate
 Mr. Aukitesh Kumar Jha, Advocate
 Mr. Arpit Kumar, Advocate
 Mr. Anil Kumar, Advocate
 Mr. Mukesh Kumar Mehta, Advocate
 Ms. Shristi Das, Advocate
 Mr. Vishnu Prabhakar Pathak, Advocate
 Mr. Rajiv Kr. Pandey, Adv.
 Mr. Ramanand Pandey, Adv.
 Mr. Binod Kumar Jha, Advocate
 Mr. Gaurav Priyadarshi, Adv.
 Mr. Aditya Ranjan, Advocate
 Mr. Abhishek Sharan, Adv.
 Mr. Shiv Prasad, Advocate
 Mr. Arvind Prakash Malakar, Advocate
 Mr. Vikash Kishore, Advocate
 Mr. Gopal Kumar Sinha, Advocate
 Mr. Kumar Pawan, Advocate

	Mr. Shubham Mishra, Advocate
	Mr. Anuj Kumar Trivedi, Advocate
	Mr. Kumar Pawan, Advocate
	Mr. Ranjit Kumar, Advocate
	Ms. Ganga Kumari Kachhap, Adv.
	Mr. Rajshree Sinha, Adv.
For the Resp.-JSSC	:Mr. Rajiv Ranjan, Advocate
	Mr. Sanjoy Piprawall, Advocate
	Mr. Tejo Mistry, Adv.
	Ms. Risheetta Singh, Adv.
	Mr. Rakesh Ranjan, Advocate
	Mr. Prince Kumar, Advocate
	Mr. Mina Kumari, Advocate
	Dr. Ashok Kumar Singh, Advocate
	Ms. Ayushri, Advocate
For the Resp.-State	:Mr. Rajiv Ranjan, Advocate General
	Ms. Divya, AC to SC III
	Ms. Suman Marandi, AC to SC-IV
	Mr. Kishore Kr. Singh, A.C. to S.C.-V
	Mr. Ranjan Kumar, AC to Sr.S.C.-I
	Mr. Luv Kumar Tiwary, AC to AAG- V
	Ms. Rishi Bharti, AC to AAG-III
	Mr. J. F. Toppo, GA-V
	Mr. Neil Abhijit Toppo, AC to GA-V
	Mr. Lax Kr. Tiwary, AC to AAG-V
	Mr. Suresh Kumar, SC (L&C)-II
	Mr. Anshuman Kumar, AC to SC (L&C)-II
	Mr. Rajesh Kr. Singh, AC to SC (L&C)-II
	Mr. Munna Lal Yadav, S.C. (L & C)-III
	Mr. Priyadarshi, GP-VI
	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, GP-II
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	Ms. Shilpi, AC to SC (Mines) II
	Ms. Amrita Banerjee, A.C. to G.P.-I
	Mr. Devesh Krishna, SC (M)-III
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	Mr. Uttam Kumar, Advocate
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	Ms. Sunita Kumari, AC to Sr. SC-II
	Mr. P.C. Sinha, A.C. to G.A-III
	Mr. Abhinay Kumar, AC to GA-I
	Md. Ahahabuddin, SC-VII
	Mr. Jeeshan Ahmad Khan, AC to SC-VII
	Mr. Ashutosh Anand, AC to GP-IV
	Mr. Pradeep Kumar, AC to AAG-IV
	Mr. Piyush Anand, AC to SC-VI

2/ 24.10.2024 At the very outset, Mr. Sanjay Piprawall, learned counsel representing the respondent-JSSC prays for adjournment of the matters on the ground that Mr. Rajiv Ranjan, learned Advocate General, representing the respondent-State is out of station.

2. The matters were taken up on 26.09.2024 and there was specific direction given to the respondents to bring on record the chart showing the marks obtained by the candidates and cut off marks of the concerned subjects. No affidavit has been filed to that effect. However, Mr. Sanjay Piprawall, learned counsel appearing for the respondent-JSSC has come with the detailed chart in compliance of the order dated 26.09.2024.

3. More than thousands of the petitioners have approached this Court. Time and again, several directions have been made to the respondents to come out with an affidavit showing the subject-wise and category-wise cut off marks of the candidates to be appointed against the left over seats in the light of the order passed by the Hon'ble Supreme Court in Contempt Petition (C) No. 612 of 2002, arising out of Civil Appeal No. 4044 of 2022. Referring to the documents produced before this Court, which has also been supplied to the learned senior counsel for the petitioners, argument has been advanced by Mr. Sanjay Piprawall that 9626 candidates were recommended for appointment which are now protected in view of the order passed by the Hon'ble Supreme Court of India in Civil Appeal No. **Satyajit Kumar & Ors Vs. State of Jharkhand & Ors**, rendered in Civil Appeal No. 4038 of 2022. It was submission of Mr. Piprawall that there are 425 candidates who approached the High Court or Supreme Court in the case of **Soni Kumari & Ors.**, and order has been passed by the Hon'ble Supreme Court to consider their cases first vide order dated 15.12.2022 passed in Cont. Petition (C) No. 612 of 2022 and after passing of the order by the Supreme Court, JSSC has already recommended a total of 4429 posts, which includes the original petitioners.

4. Mr. Ajit Kumar, learned senior counsel, assisted by Mr. Shekhar Prasad Gupta, learned counsel appearing for the petitioners has

refuted the aforesaid arguments advanced by the learned counsel for the respondent-JSSC and submits that the candidates having more marks than the last selected candidates on the basis of State merit list have been denied appointment. To fortify his contention, learned senior counsel refers page-36 of the supplementary affidavit filed on 21.10.2024 and submits that petitioner no.1 Md. Iqbal Hussain and petitioner no.2 Sunil Kumar of W.P.(S) No. 301 of 2023 are the example before this Court as to how the respondents have acted upon. Petitioner-Md. Iqbal Hussain has obtained 238 marks in subject Urdu under EBC-I category, whereas 12 candidates falling in the category of EBC-I have been appointed having less marks than the petitioner. Similarly, petitioner no. 2 Sunil Kumar, who has obtained 184 marks under EBC-I category in subject Geography has been denied appointment whereas other 36 candidates have been appointed who have obtained less marks than the petitioner. Similar is the position in case of several other candidates, who have obtained more marks than the last selected candidates in their respective categories and subjects. It has also been brought to the notice of this Court by the learned senior counsel that total 4429 candidates have been recommended and appointed prior to the order passed by the Hon'ble Apex Court.

5. Controverting the aforesaid submissions, Mr. Piprawall submits that no candidate having lesser marks than the last selected candidates on the basis of the State wise merit list have been recommended for appointment and the petitioners cannot equate their cases with the original 425 petitioners or the candidates who have been recommended for appointment on the basis of district wise merit list and protected by the order of the Hon'ble Supreme Court.

6. Looking into the contradictory stands of the parties and for just adjudication of the matter, this Court directs the respondent-State and the respondent-JSSC to bring on record, the real facts by way of affidavit with supportive documents on the following points:-

- (i) As to how many candidates have been recommended / appointed prior to passing of the order by the Hon'ble Supreme Court in **Satyajit**

Kumar & Ors Vs. State of Jharkhand & Ors, rendered in Civil Appeal No. 4038 of 2022?

- (ii) As to how many candidates in different subjects and categories have been recommended in view of the marks / rank secured by them in State level merit list prepared after the order passed by the Hon'ble Supreme Court in ***Contempt Petition (C) No. 612 of 2022?***
- (iii) What is the category wise and subject wise cut off marks in the State merit list in each category and subject prepared in compliance of the order passed by the Hon'ble Supreme?

7. On the cost of repetition, the respondent-JSSC is directed to file a comprehensive reply to the supplementary affidavit filed by the petitioners on 21.10.2024, in which averments have been made that the petitioners, having more marks than the recommended / appointed candidates, have been denied appointment. Additionally, the respondent-JSSC is directed to produce before this Court the details of all the recommendations for appointment made on the basis of the State wise merit list in sealed cover.

8. Similarly, the respondent-State shall also file a specific affidavit meeting out the aforesaid queries including date-wise, category-wise and subject-wise details of the candidates who have been appointed following the recommendation of the JSSC and also the details of the candidates, who have not joined to the recommended post.

9. Learned counsel for the respondents are directed to serve a copy of the specific affidavit meeting out the aforesaid queries to the learned counsel for the petitioners, Mr. Ajit Kumar, learned senior advocate well in advance, so that the reply thereto, if any, shall also be filed by the petitioners before listing of the case.

10. Put up these matters on 21.11.2024. Let it be made clear that no further adjournment shall be given to the parties.

(Dr. S. N. Pathak, J.)