

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No.171 of 2012

Court on its own motion Petitioner

Versus

1. The State Government through the Chief Secretary, Government of Jharkhand.
2. Principal Secretary, Animal Husbandry Department, Government of Jharkhand.
3. Principal Home Secretary, Government of Jharkhand.

... Respondents

CORAM:HON'BLETHE ACTING CHIEF JUSTICE
HON'BLEMR. JUSTICE ARUN KUMAR RAI

Amicus Curiae	:Mr. Piyush Poddar, Adv.
For the Resp-State	: Mr. Manish Kumar, Sr. SC-II
	: Ms. Sunita Kumar, AC to Sr. SC-II
For the Resp. J.P.S.C. & J.S.S.C.	:Mr. Sanjoy Piprawall, Advocate
	: Mr. Rakesh Ranjan, Advocate
	: Mr. Prince Kumar, Advocate
	: Mr. Jay Prakash, Advocate

Order No.56/ Dated:11th September, 2024

1. It is a case where the recruitment process of the Food Safety Officer had begun in the year 2023 and the written examination has also been conducted, but the result has not yet been published.
2. It has been contended by learned Amicus that for one reason or the other, it is the J.P.S.C. who is not publishing the result on the ground of some clarification which the J.P.S.C. is seeking from the State.
3. This Court has posed a pin-pointed question to Mr. Sanjoy Piprawall, learned counsel for the J.P.S.C. that where is the occasion for Jharkhand Public Service Commission to seek

clarification from the State once the requisition has been made based upon the Rule in vogue along with the details of the vacancies.

4. Upon this, Mr. Sanjoy Piprawall, learned counsel appearing for the J.P.S.C. has submitted that the result can be published, but as on the date, the Chairman is not available after the post having been fallen vacant due to completion of the tenure.
5. This Court is of the view that once the requisition has been made on the basis of Rule in vogue based upon that Advertisement has been notified reflecting the total number of vacancies, there is no reason for the JPSC not to come out with the result based upon the performance of one or the other candidates who participated in the process of selection.
6. It has further been submitted that in one case, this Court has passed an order calling upon the State with respect to the issue of appointment of Chairman of the JPSC which has been directed to be listed on 17th September, 2024.
7. Another issue in the present public interest litigation is that in addition to the post of the Food Safety Officer, the other posts are also lying vacant, i.e., Public Analyst, the Laboratory Assistant, Senior Scientific Officer and Scientific Officer who are to look after the samples which will be collected by the Food Inspector by sending it in the Forensic Science Laboratory.
8. Learned counsel appearing for the State has submitted that the requisition has already been made to the Staff Selection Commission for filling up the aforesaid posts but there is no initiative as yet which is also being represented by Mr. Sanjoy Piprawall, learned counsel appearing for the JSSC.

9. Let it be explained by the Staff Selection Commission, as to why, even if the requisition has been made for fulfilling the post, no initiation to fulfill the posts has yet been taken along with the reason of sitting over upon such requisition by the Chairman, Staff Selection Commission.
10. It has also been submitted that the requisition for the two posts of Micro Biologist has been sent on 22.03.2021, for one post of Deputy Director has been sent on 01.12.2022 and for the post of Food Analyst has been sent on 22.03.2021 which has been stated in the affidavit dated on 06.04.2024.
11. So far as the posts of Senior Scientific Officer and Scientific Officer are concerned, it has been submitted on behalf of the learned counsel for the petitioner that even the requisition has not been sent by the State to the Jharkhand Public Service Commission.
12. The State is to explain that when the post is of such a nature which is having bearing for proper implementation of the Food Safety Act then why the requisition has not been made as yet.
13. Let the reason be explained that why the Commission is sitting over all the requisitions since long.
14. Let this matter be posted on 17th September, 2024.

(Sujit Narayan Prasad, ACJ.)

(Arun Kumar Rai, J.)

Suman/Abhishek-