

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No.6103 of 2018

Anant Priya Sen

... **Petitioner**

-versus-

1. The State of Jharkhand through the Secretary, Principal Secretary, School Education and Literacy Department, having Office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, Town and District Ranchi.
2. The District Education Officer, Dumka, P.O., P.S. and District Dumka.
3. The Jharkhand Staff Selection Commission, through its Secretary, having Office at Kalinagar, Chaibagan, Namkum, P.O. + P.S. Namkum, Town and District Ranchi.
4. The Controller of Examination, Jharkhand Staff Selection Commission, having Office at Kalinagar, Chaibagan, Namkum, P.O. + P.S. Namkum, Town and District Ranchi.

... **Respondents**

CORAM : HON'BLE MR. JUSTICE ANANDA SEN

For the Petitioner : Mr. Manoj Tandon, Advocate

For the Respondents-State : Mr. Manoj Kumar No.3, S.C.(Mines).

For the Respondents-JSSC : Mr. Sanjay Piprawall, Advocate

2/ 14.01.2019 Respondents to file counter affidavit in this case within four weeks.

List this case after four weeks under the heading "**For Admission**".

Petitioner claims that she is qualified to be appointed pursuant to the advertisement. Learned counsel for the petitioner submits that petitioner's candidature has been cancelled only on the ground that School where she is teaching is not treated by the respondents to be a Primary School. He submits that petitioner was teaching students of Class VI onwards. He submits that the School where she is teaching will definitely come within the definition of Government Elementary School. He submits that the candidates obtaining lesser marks than the petitioner have been appointed. He submits that posts are still vacant.

Considering the aforesaid submissions, keeping in view that if a post is not kept vacant, this writ application will become infructuous and third party rights will also be created, thus, to prevent multiplicity of proceedings and to prevent any third party rights, respondents are directed to keep one post vacant till final disposal of this writ application.

(Ananda Sen, J.)