

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 11 of 2024

1. Sanjay Kumar, aged about 44 years, Son of Chandradeo Parsad, Resident of Village- Deoghara, P.O.- Dhanbgawan, P.S.- kako, District-Jehanbad, State-Bihar.

2. Saroj Kumar Yadav, aged about 43 years, Son of Surendra Prasad Yadav, Resident of Village- Manikpur, P.O.- Madhopur, P.S.- Jasidih, District-Deoghar, State-Jharkhand.

3. Purushottam Kumar aged about 42 Years son of Sadhu Saran Lal Resident of New colony Korrah, P.O- Korrah, P.S- Sadar, Dist- Hazaribagh, Jharkhand.

4. Biral Paswan aged about 43 years Son of Yamuna Paswan, Resident of Village- Porai, P.O.+P.S.- Harnaut, Dist.- Nalanda, State- Bihar.

... **Appellants**

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.

2. The Department of Home through its Principal Secretary, Government of Jharkhand, having its office at Bhawan, P.O.-Dhurwa, Project P.S.-Dhurwa, District-Ranchi, Jharkhand.

3. The Director General-Cum-Commandant General, Home Guard and Fire Service, Jharkhand, Ranchi, P.O. + P.S.- Doranda, District-Ranchi.

4. The Director General of Police, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District- Ranchi, Jharkhand.

5. The Director General, Home Guards, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District-Ranchi, Jharkhand.

... Respondents

With

L.P.A. No. 640 of 2023

1. Anil Kumar Ram, aged about 39 years, Son of Late Jagdish Baitha, Resident of Village- Chainpur, P.O.-Shahpur, P.S.- Chainpur, District-Palamau, State-Jharkhand.

2. Anjani Kumar Pandey, aged about 39 years, Son of Kedar Nath Pandey, Resident of Balughat Road, P.O. + P.S.-Sultanganj, District-Bhagalpur, State-Bihar.

3. Amleshwar Mahato, aged about 32 years, Son of Narayan Mahato, Resident of Village- Lohapatti, P.O.-Ram Nagar Garh, P.S.- Mahua, District-Dhanbad, State-Jharkhand.

4. Pinky Kumari, aged about 41 years, Daughter of Sri Nakul Ram, Resident of Hindpiri, P.O.-G.P.O., P.S. and District-Ranchi, State- Jharkhand.

5. Sakesh Kumar, aged about 44 years, Son of Late Nagendra Prasad Sharma, Resident of At + P.O.-Agrico, P.S.-Golmuri, District-East Singhbhum, State-Jharkhand.

6. Akhilesh Kumar Shrivastava, aged about 43 years, Son of Late Lalan Prasad, Resident of Road No.4, New Shubash Colony, P.O. + P.S.-Mango, District-East Singhbhum, State-Jharkhand.

7. Akhilesh Kumar Singh, aged about 47 years, Son of Sri Madan Singh, Resident of Adityapur, L.I.G. Flat No.4/1021, P.O. + P.S.-Adityapur, District-East Singhbhum, State-Jharkhand.

8. Bablu Deogam @ Babhu Deogan aged about 46 years, Son of Late Madhu Deogam, Resident of H. No.79, IN-SA

Block, P.O.-Golmuri, P.S.-Golmuri, District-East Singhbhum, State-Jharkhand.

9. Amit Kumar, aged about 43 years, Son of Shree Parshupam Singh, C/o Vinay Kumar Singh, Joint Secretary, Resident of CHCO- 17, Sector-8, Dhurwa, P.O. + P.S.-Dhurwa, District-Ranchi, State-Jharkhand.

10. Ravindra Rai @ Rabindra Roy, aged about 39 years, Son of Sri Vakil Ray, Resident of Sidhgora, P.O.- Agrico, P.S.- Sidhgora, District-East Singhbhum, State-Jharkhand.

11. Shashi Shekhar, aged about 42 years, Son of Sri Awadhesh Pandey, Resident of Village- Govindpur, P.O.- Fatuha, P.S.-Fatuha, District-Patna, State-Bihar.

12. Abhishekh Kumar Yadav, aged about 38 years, Son of Sri Sanjay Yadav, Resident of Village-Torpa, P.O.-Torpa, P.S.-Torpa, District-Ranchi, State-Jharkhand.

13. Manoj Kumar, aged about 43 years, Son of Late Chouhan Saw, Resident of Village + P.O.-Babhanbay, P.S.- Muffasil, District Hazaribagh, State-Jharkhand.

14. Rajeev Kumar Singh, aged about 44 years, Son of Late Ram Biral Singh, Resident of Village-Adityapur-2, P.O. + P.S.-Adityapur, District-Saraikella-Kharsawan.

... **Appellants**

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.- Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.

2. The Department of Home through its Principal Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.

- 3.** The Director General-Cum-Commandant General, Home Guard and Fire Service, Jharkhand, Ranchi, P.O. + P.S.-Doranda, District-Ranchi.
- 4.** The Director General of Police, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District- Ranchi, Jharkhand.
- 5.** The Director General Home Guards Jharkhand having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District- Ranchi, Jharkhand.

... **Respondents**

With

L.P.A. No. 641 of 2023

- 1.** Suraj Kumar Baranwal, aged about 39 years, Son of Babulal Baranwal, Resident of Near Old Bus Stand, Telaiya, P.O. + P.S.- Telaiya, District-Koderma, State-Jharkhand.

... **Appellant**

Versus

- 1.** The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.- Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.
- 2.** The Department of Home through its Principal Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.
- 3.** The Director General-Cum-Commandant General, Home Guard and Fire Service, Jharkhand, Ranchi, P.O. + P.S.-Doranda, District-Ranchi.
- 4.** The Director General of Police, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + Ranchi, Jharkhand. P.S.-Dhurwa, District-

5. The Director General, Home Guards, Jharkhand having its office at Police Headquarters, Dhurwa, P.O. + P.S.- Dhurwa, District-Ranchi, Jharkhand.

... **Respondents**

With

L.P.A. No. 20 of 2024

1. Rajendra Paswan, aged about 38 years, Son of shri Jageshwar Paswan, Resident of Village-Aurwatand, P.O.- Mandaramo, P.S.- Sarya, District- Giridih, State-Jharkhand.

2. Ashok Kumar Munda, aged about 37 years, Son of Dhaneshwar Munda, Resident of Village- Nich Tola, Near Mahabir Mandir, P.O.- Kaitha, P.S.-Kaitha, District- Ramgarh, State-Jharkhand.

3. Mamta Nutan Dungdung, aged about 41 Years, W/O Shri Kushal Xalxo, Resident of Village- Chitarkota, Barkatoli, P.O- Pali, P.S- Chitarkota, Dist- Ranchi, Jharkhand.

4. Kalicharan Machhuwa, aged about 37 years Son of Sri Rajeshwar Machhuwa, Resident of Village- Fulwar Toli Bundu, P.O.+P.S.- Bundu, Dist- Ranchi, Jharkhand.

5. Jeevan Prakash, aged about 37 years Son of Puni Nath Mahto, Resident of Village- Mahato Toli, Near Durga Mandir, P.O.- Chotki Pona, P.S.- Ramgarh, Dist.- Ramgarh, Jharkhand.

... **Appellants**

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.

- 2.** The Department of Home through its Principal Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.
- 3.** The Director General-Cum-Commandant General, Home Guard and Fire Service, P.O. District-Ranchi. + P.S.-Doranda, Ranchi, Jharkhand,
- 4.** The Director General of Police, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District- Ranchi, Jharkhand.
- 5.** The Director General, Home Guards, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District-Ranchi, Jharkhand.

... **Respondents**

With

L.P.A. No. 26 of 2024

- 1.** Surendra Kumar Sharma, aged about 37 years, Son of Chulhan Hazam, Resident of Village-Gandhi School Road, Jhumritilaiya, P.O.P.S.- Jhumritilaiya, District-Kodarma, State-Jharkhand.
- 2.** Md. Kalam Mashadi, aged about 38 years, Son of Md. Mufid Ali, Resident of Village- Quazi Magha, P.O. + P.S.-Jamua, District- Giridih, State-Jharkhand.

... **Appellants**

Versus

- 1.** The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.
- 2.** The Department of Home through its Principal Secretary, Government of Jharkhand, having its office at Project

Bhawan, P.O.-Dhurwa, P.S.-Dhurwa, District-Ranchi, Jharkhand.

3. The Director General-Cum-Commandant General, Home Guard and Fire Service, Ranchi, P.O. + P.S.-Doranda, District-Ranchi, Jharkhand.

4. The Director General of Police, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District- Ranchi, Jharkhand.

5. The Director General, Home Guards, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. + P.S.-Dhurwa, District-Ranchi, Jharkhand.

... **Respondents**

With

L.P.A. No. 171 of 2025

1. Rajesh Shukla, aged about 46 Years, Son of Ravindra Nath Shukla, Resident of Bara Bazar Subhash Marg, P.O Hazaribagh, P.S -Sadar Hazaribagh, District:- Hazaribagh, Jharkhand -825301.

2. Dinesh Pandey, aged about 46 Years, Son of Sri Janeshwar Pandey, Resident of Village Matpurhi, P.O- Kazi Pankari, P.S- Tarhasi, Dist- Palamau.

3. Chandan Kumar Singh, aged about 40 Years, Son of Sri Nirmal Kumar Singh, Resident of Torpa Road, P.O. & P.S. - Khunti, District :- Khunti, Jharkhand -835210.

4. Anuj Kumar, aged about 42 Years, Son of Sri Shiv Shankar Mahto, Resident of Sector- 4, P.O. & P.S. Sector 4, Dist- Bokaro, Jharkhand-827004.

5. Dileep Kumar Yadav, aged about 36 Years, Son of Shri Suresh Yadav, Resident of Village- Padma, P.O. Padma, P.S. - Padma, Dist - Hazaribagh, Jharkhand-825411.

- 6.** Savita Kumari Nayak, aged about 45 Years, C/o of Sri Vishnu Nayak, Resident of at Tam Tam Toli, P.O. Kantatoli. P.S. Lower Bazar, Dist.- Ranchi, Jharkhand 834001.
- 7.** Nitu Kujur, aged about 47 Years, Daughter of Sri Jagdish Kujur, C/o Sri Karma Oraon, Madhukam, P.O.:- Hehal, P.S.:- Sukhdev Nagar, Dist:- Ranchi, Jharkhand -834005.
- 8.** Mukesh Kumar Choudhary, aged about 47 Years, Son of Ram Ashan Choudhary, Resident of CC 9, PC Colony, Mohalla Lohiyanagar, P.S.- Kankarbagh, Dist.- Patna.
- 9.** Prem Kumar Sharma, aged about 48 Years, Son of Sri Kapildev Sharma, Resident of Sharma Colony, P.O + P.S :- Tatisilwai, District- Ranchi, Jharkhand -835103.

... **Appellants**

Versus

- 1.** State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O. & P.S. - Dhurwa, District - Ranchi.
- 2.** Department of Home through its Principal Secretary, Government of Jharkhand having its office at Project Bhawan, P.O. & P.S. - Dhurwa, District - Ranchi.
- 3.** Director General of Police, Jharkhand having office at Police Headquarters, Dhurwa, P.O. & P.S. Dhurwa, District- Ranchi.
- 4.** Director General, Home Guards, Jharkhand, having office at Police Headquarters, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
- 5.** Deputy Inspector General of Police (Personnel), Jharkhand having office at Police Headquarters, Dhurwa, P.O. & P.S. Dhurwa, District - Ranchi.

... **Respondents**

With

L.P.A. No. 328 of 2025

- 1.** Ranjan Kumar Jaiswal, aged about 48 years, S/o- Harihar Prasad Jaiswal, R/o Bishanpur Teachers Colony, B- Polytechnic, P.O + P.S. + District - Dhanbad, Jharkhand, 828130.
- 2.** Himanshu Shekhar Yadav, aged about 41 years, S/o- Sri Shiv Naryan Yadav, R/o Kusumkunj Opp. Minar Kothi DevSang Road, Castair Town, P.O + P.S. + District - Deoghar, Jharkhand, 814112.
- 3.** Rahul Kumar, aged about 37 years, S/o- Sri Ramakant Bhagat, R/o- Dhansain, P.O.- Chapari, P.S.- Pathargama, District- Godda, Jharkhand, 814133.

... Appellants

Versus

- 1.** The State of Jharkhand Through the Chief Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.+P.S.- Dhurwa, District- Ranchi, Jharkhand.
- 2.** Department of Home through its Principal Secretary, Government of Jharkhand, having its office at Project Bhawan, P.O.+P.S.- Dhurwa, District- Ranchi, Jharkhand.
- 3.** Director General of Police, Jharkhand having its Office at Police Headquarters, Dhurwa, P.O.+P.S.- Dhurwa, District- Ranchi, Jharkhand.
- 4.** Director General, Home Guards, Jharkhand, Having Office at Police Headquarters, Dhurwa, P.O.+P.S.- Dhurwa, District- Ranchi, Jharkhand.
- 5.** Deputy Inspector General of Police (Personnel), Jharkhand having office at Police Headquarters, Dhurwa, P.O.+P.S.- Dhurwa, District- Ranchi, Jharkhand.

... Respondents

- 6.** Rajesh Shukla, age about 43years, S/o Ravindra Nath Shukla, R/o- Bara Bazar, Subhash Marg, P.O.- Hazaribagh, P.S.- Sadar, Dist.- Hazaribagh, Jharkhand.
- 7.** Dinesh Pandey, aged about 43 years, S/o Janeshwar Pandey, R/o, Vill-Matpurhi P.O.- Kazi Pankari, P.S.- Tarhasi, Dist.-Palamu.
- 8.** Chandan Kumar Singh, aged about 36 years, S/o Shiv Narayan Yadav R/o Torpa Road, P.O.- Khunti, P.S.- Khunti, Dist- Khunti.
- 9.** Anuj Kumar, aged 39 years, S/o Shiv Shankar Mahto, R/o- Sector 4, P.O. & P.S.- Sector 4, Dist.-Bokaro.
- 10.** Dileep Kumar Yadav, aged about 33 years, S/o Suresh Yadav, R/o Padma, P.O. & P.S.- Padma, Dist.- Hazaribagh.
- 11.** Savita Kumari Nayak, aged about 42 years, C/o Sri Vishnu Nayak, R/o-Tam Tam Toli, P.O.-Kantatoli, P.S.- Lower Bazar, Ranchi.
- 12.** Rakesh Ram, aged 39 years, S/o Shaklu Ram, R/o Nawa Toli, P.S.-Daltonganj, Palamau, Jharkhand.
- 13.** Nita Kujur, aged about 44 years, D/o Jagdish Kujur, C/o Karma Oraon, Madhukam, P.O.-Hehal, P.S.- Sukhdeonagar, Ranchi, Jharkhand.
- 14.** Bhishama Narayan Singh, aged about 38 years, S/o Genda Singh, R/o- Police No. 787 JAP-9, Sahibganj, P.O.- Court Sahibganj, P.S.-Sahibganj, Sahibganj, Jharkhand.
- 15.** Mukesh Kumar Choudhary, aged about 44 years, S/o Ram Ashan Chaudhary, R/o- CC9, PC Colony, Mohalla - Lohiya Nagar, Post- Kankarbagh Dist.-Patna, Bihar- 800020.
- 16.** Prem Kumar Sharma, aged about 45 years, S/o Kapil Dev Sharma R/o Sharma Colony, P.O. & P.S.- Tatisilwai, Dist.-Ranchi, Jharkhand- 835103.

... **Proforma Respondents**

PRESENT

HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant(s) : Mr. Rajiv Kumar, Adv.
Mr. Anand Kumar Sinha, Adv.
Mr. Manoj Kumar Ram, Adv.
Mr. Prakash Kumar, Adv.
Mr. Amritansh Vats, Adv.
Mr. Amartya Choubey, Adv.
Mr. Arpan M. Ekka, Adv.
Mr. Alok Anand, Adv.
For the Respondents : Mr. Manish Kumar, Sr. S.C.-II.
Ms. Sunita Kumari, AC to Sr. S.C.-II
Mr. Indranil Bhaduri, S.C.-IV
Mr. Asish Choudhary, Adv.

Dated : 11/03/2026

1. Heard learned counsel for the respective sides.
2. Since common questions of law and fact are involved in these Letters Patent Appeals, the same are being disposed of by this common order.

L.P.A. No. 11 of 2024 & L.P.A. No. 26 of 2024.

3. These appeals are directed against the order dated 30-11-2023 passed by the learned Single Judge in W.P.(S) No. 5051 of 2022, whereby and whereunder, the said writ applications preferred by the respective writ petitioners for a direction to appoint them to the post of Sub-inspector/Company Commander as per their qualification in the light of the judgment passed in W.P.(S) No. 1562 of 2014 has been dismissed.

LPA No. 640 of 2023 and LPA No. 641 of 2023.

4. These appeals are directed against the order dated 28-08-2023 passed by the learned Single Judge in W.P.(S) No. 1743 of 2022 whereby and whereunder, a similar prayer made as in W.P.(S) No. 5051 of 2022 leading to preference of L.P.A. No. 11 of 2024 has been dismissed.

L.P.A. No. 171 of 2025 & L.P.A. No. 328 of 2025.

5. These appeals are directed against the order dated 15-03-2024 passed by the learned Single Judge in W.P.(S) No. 2261 of 2022 whereby and whereunder, the writ application preferred by the writ petitioners (appellants herein) against the letter dated 21-01-2022 as contained in Letter No. 31/P vide which the representation of the writ petitioners for appointment to the post of Company Commander/Sergeant was not considered, has been dismissed.

In both these appeals, an added feature has been highlighted to the effect that several of the writ petitioners had challenged the order dated 12-08-2016 passed in W.P.(S) No. 1562 of 2014 and its batch matters in L.P.A. No. 509 of 2016 and its analogous cases which were dismissed vide order dated 18-07-2019. This order was challenged in S.L.P No. 26302-26305 which was also dismissed vide order dated 18-02-2021.

L.P.A. No. 20 of 2024

6. This appeal is directed against the order dated 06-12-2023 passed by the learned Single Judge in W.P.(S) No. 683 of 2023 vide which the prayer of the writ petitioners to be appointed to the post of Sub-Inspector/Company Commander has been dismissed.

L.P.A. No. 11 of 2024, L.P.A. No. 640 of 2023, L.P.A. No. 641 of 2023, L.P.A. No. 20 of 2024, L.P.A. No. 26 of 2024, L.P.A. No. 171 of 2025 and L.P.A. No. 328 of 2025.

7. The common thread which runs through the factual aspects of the case reveal that an advertisement was issued bearing Advertisement No. 01/2008 for appointment to the post of Sub-Inspector, Sergeant and Company Commander and though the writ petitioners applied and appeared in the selection process, but their cases were not considered. It has been stated that some undeserving candidates were selected which in turn led to the

constitution of a committee and these candidates were removed. This was challenged in W.P.(S) No. 1562 of 2014 and vide order dated 12-08-2016, the order of termination was quashed and the respondents were directed to pass orders for reinstatement of service against existing, anticipated or future vacancies. So far as the writ petitioners in the present appeals are concerned, and who are the intervenors in W.P.(S) No. 1562 of 2014, a direction was passed that if in future any selection is made to the posts in question, the respondents would be obligated to consider the case of the intervenors in relaxing the upper age limit in appropriate cases. Based on the orders passed in W.P.(S) No. 1562 of 2014 and Cont. (Cvl.) Case No. 722/2016, the State Government had come up with a Rule in Jharkhand Home Guards Rules vide Notification No. 5995 dated 12-11-2015. The writ petitioners consequently had made representations for being appointed in the respective posts, but they have been deprived of such appointment despite being eligible, while ineligible candidates have been appointed. Since the grievance of the writ petitioners were not being considered, they had preferred separate writ applications being W.P.(S) No. 5051 of 2022, W.P.(S) No. 1743 of 20 22, W.P.(S) No. 2261 of 2022 and W.P.(S) No. 683 of 2023 which was dismissed by the learned Single Judge vide various orders impugned to the present appeal.

8. It has been submitted by Mr. Alok Anand, learned counsel for the appellants in L.P.A. No. 11 of 2024, L.P.A. No. 640 of 2023, L.P.A. No. 641 of 2023, L.P.A. No. 26 of 2024 and L.P.A. No. 328 of 2025 that the case of the appellants/writ petitioners are on much better footing to those candidates who had secured appointment through patently illegal means and were reinstated since they had remained in service for a continuous length of time and had also undergone training. Despite there being plenty of seats vacant, the writ petitioners were not given the relaxation

in the subsequent advertisement and others were once again favoured by the respondents.

9. Mr. Amritansh Vats, learned counsel appearing for the appellant in L.P.A. No. 171 of 2025 has submitted that the representations of the appellants/writ petitioners have been rejected in a mechanical manner without application of mind. The respondents have ignored the claim of the writ petitioners for appointment in spite of the fact that seats are still lying vacant pursuant to Advertisement No. 01/2008.

10. Learned State Counsel has submitted that much water has flown since the issuance of Advertisement No. 01/2008 and the writ applications which had been preferred. The writ applications which have been preferred were initially on the same issue which was dealt with in the earlier round of litigation. The writ petitioners have claimed relief in respect to the advertisement of 2008 and only on the basis of existing vacancies when already a subsequent advertisement had been issued and several persons have been appointed.

11. The subject matter of the writ applications pertains to Advertisement No. 01/2008 which was with respect to filling up of the posts of Sub-inspectors, Sergeants and Company Commanders. It has been the consistent case of these writ petitioners that undeserving candidates have been selected and that there are still vacancies which can be filled up by the writ petitioners. Pursuant to issuance of Advertisement No. 01/2008, several persons were selected and appointed in different categories. Since there was an allegation that such selection was made on the basis of preference and not on merit, a decision was taken to rectify the earlier list and revise the result after which 42 successful candidates were removed from their services and their posts were filled up by the successful candidates in the revised merit list. This led to the terminated candidates

challenging the revised list in W.P.(S) No. 1562 of 2014 and its analogous writ applications. The present writ petitioners/appellants had appeared in the said writ applications as intervenors contending therein that they have secured more marks than the candidates who were initially selected and later on terminated on the basis of the revised list. All the writ applications were disposed of by a common order dated 12-08-2016 and the operative portion of the order reads as follows:

“15. In view of the reasons stated in the foregoing paragraphs and as the view of this Court gets fortified by the judgment of the Hon'ble Apex Court rendered in the case of Vikas Pratap Singh (Supra) and as a logical sequitor to the aforesaid reasoning, the impugned order of termination of services of the petitioners are hereby quashed and set aside and the respondents are directed to pass orders for reinstatement of the petitioners in services against existing 'anticipated or future vacancies, treating it to be fresh appointments and on their reinstatement, they shall be placed at the bottom of the seniority list of the revised merit list. The whole exercise be completed expeditiously, preferably within a period of four weeks from the date of receipt/production of a copy of this order.”

12. Though no relief was granted to the intervenors, but in case of future selection, relaxation with respect to age was ordered to be granted to them. The relevant part of the order which concerns the writ petitioner/appellant is in case of future selection, relaxation with respect to age was ordered to be granted to them. The said part of the order reads as under:

“14. So far as the intervenors are concerned, admittedly, though their names could not find place in the revised merit list but it has been stated at the bar that they have secured more marks than the petitioners but the case of the petitioners stands on better footing on the ground that after initial selection, they were appointed and subsequently they underwent the training, whereas, the intervenors were not appointed on the earlier occasions. Although the appointment of the present petitioners were challenged in a batch of writ petitions, but since the present petitioners have continued in the post for a considerable length of service, having left their previous assignments with the fond hope to have a greener pasture or better prospects, the petitioners stand in a slightly better footing, compared to intervenors. With a view to give justice to all the candidates, this Court vide order dated-11.12.2015, specifically directed the State Government to file a supplementary counter affidavit, indicating the vacancy position but the supplementary counter affidavit filed by State, disclosed that there was no vacancy during the said period. In the absence of any clear-cut vacancies, existing or anticipated vacancies, this Court is not in a position to direct the respondents to consider the case of the intervenors for appointment in the respective different posts. However, if in future, any selection is made to the posts in question, the respondents would be obligated to consider the case of the intervenors in

relaxing the upper age limit in appropriate case in accordance with law.”

13. The State of Jharkhand as well as the intervenors challenged the order dated 12-08-2016 passed in W.P.(S) No. 1562 of 2014 in L.P.A. No. 473 of 2016 and its analogous cases and all the appeals were dismissed vide order dated 18-07-2019. However, so far as the observation made in W.P.(S) No. 1562 of 2014 and its analogous cases with respect to the intervenors are concerned, it has been observed as follows:

“.....The Hon'ble Single Judge has rightly not equated the respondent-writ petitioners vis-a-vis appellants-interveners. In para- 14 of the impugned judgment, the Hon'ble Single Judge has clearly distinguished the case of the respondent-petitioners vis-a-vis appellant-interveners and directed the Appellant-State to pass orders for reinstatement of the respondent-petitioners in services against existing/anticipated or future vacancies treating it to be fresh appointments and on their reinstatement, they shall be placed at the bottom the seniority list of the revised merit list The Hon'ble Single Judge has rightly held that in absence of any clear-cut vacancies it was not possible to direct the appellant-State to consider the case of interveners for appointment. Though, the Hon'ble Single Judge has categorically directed the Appellant-State that in case any selection is made on the post in question, the State would be obligated to consider the case of the interveners in relaxing the age of in appropriate cases in accordance with law but we are afraid that we cannot subscribe to that view, being

violative of Articles 14 and 16 of the Constitution of India vis-a-vis the fresh candidates making applications in any such future selection process.”

14. The order dated 18-07-2019 passed in L.P.A. No. 473 of 2016 and its analogous cases were challenged in Civil Appeal Nos. 429-430 of 2021 before the Hon’ble Supreme Court and vide order dated 18-02-2021, the appeals were dismissed. The claim of appointment of the intervenors have been dealt with in the following manner:

“10. The second issue relates to the claim of the intervenors in the Writ Petitions for appointment. There is no doubt that selections to public employment should be on the basis of merit. Appointment of persons with lesser merit ignoring those who have secured more marks would be in violation of the Articles 14 and 16 of the Constitution of India. The intervenors in the Writ Petitions admittedly have secured more marks than the Writ Petitioners. After cancellation of the appointments of the Writ Petitioners, 43 persons have been appointed from the revised select list. Those 43 persons have secured more marks than the intervenors. By the appointment of 43 persons, the number of posts that were advertised i.e. 384 have been filled up. The intervenors have no right for appointment to posts beyond those advertised. The contention on behalf of the intervenors in the Writ Petitions is that they cannot be ignored when relief is granted to the Writ Petitioners who were less meritorious than them. We are unable to agree. Relief granted to Writ Petitioners is mainly on the ground that they have

already been appointed and have served the State for some time and they cannot be punished for no fault of theirs. intervenors are not similarly situated to them and they cannot seek the same relief. The other ground taken by the intervenors in the Writ Petitions before us is that relief was denied to them only on the basis of a wrong statement made on behalf of the State Government that there were no vacancies. No doubt, the intervenors have placed on record material to show that there was no shortage of vacancies for their appointment. One of the reasons given by the High Court for not granting relief to the intervenors is lack of However, we are not inclined to direct vacancies. (appointment of the intervenors as selections in issue pertain to an advertisement issued in 2008. Subsequently. selections to posts of Sub-Inspectors have been held and a large number of persons were appointed. The number of posts advertised in 2008 is 384 and the intervenors have no right for appointment for posts beyond those advertised. They cannot claim any parity with the Writ Petitioners.”

15. It has been specifically held by the Hon’ble Supreme Court while declining to direct appointment of the intervenors that the issue pertains to an advertisement of the year 2008. It has also been held that the intervenors have no right for appointment to posts beyond those advertised. Agitating a claim which has been done and dusted with more so on account of an advertisement pertaining to the year 2008 on the ground that vacancies still exist would not, in any circumstance, reignite the claim of the

writ petitioners/appellants. The learned Single Judge in the respective writ applications have rightly dismissed them and having found no reason to conclude otherwise, all these appeals are **dismissed**.

16. Pending I.A.(s), if any, stands closed.

(RONGON MUKHOPADHYAY, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

11th March, 2026.

Preet/N.A.F.R.

Uploaded on: 08 / 04 / 2026.