IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 143 of 2024

1. Nirmal Pahan, aged about 35 years, son of Shri Hari Pahan, resident of Village- Hisri, P.O.-Baraudi, P.S.-Thakurganw, District-Ranchi.
2. Ibrar Ahmad, aged about 36 years, son of Md. Akhlaque, resident of Village & P.O-Kabra Khurd, P.S.-Haidarnagar, District- Palamu.
3. Avinash Prasad, aged about 35 years, son of Maha Prasad Mahato, resident of Palash Bagan, Neamatpur, P.O-Sitarampur, P.S.-Kulti, District-West Bardhaman (W.B.).
4. Hemant Singh Munda, aged about 40 years, son of Raiya Singh Munda, resident of Village-Banta, P.O.-Banta Hazam, P.S.-Silli, District-Ranchi.
5. Dharmendra Kumar Sharma, aged about 38 years, son of Late Gautam Sharma, resident of Village-Beltu, P.O.-Kandaber, P.S.-Keredari, District-Hazaribagh.
6. Saurabh Kumar, aged about 34 years, son of Purshotam Tripathi, resident of Village-Maranpur, Hanuman Nagar, P.O.- Chandchaura, P.S.-Vishnupad, District- Gaya (Bihar).
7. Farhan Quasmi @ Farhan Quasim, aged about 35 years, daughter of Md. Quasim Ali and wife of Md. Murshid Ansari, resident of village-Khutwadhab, P.O.-Matrukha, P.S.-Giridih Muff, District- Giridih.
8. Santoh Kumar Pandey, aged about 39 years, son of Shrikant Pandey resident of Village & P.O.-Tetrawan, P.O.-Manpur, District-Nalanda (Bihar).
9. Satya Pal, aged about 37 years, son of Late Shiv Prasad Pal, resident of SA. 9/14, Ghurahoopur-Saranath, P.O. & P.S.-Saranath, District- Varanasi (U.P.).
10. Pratibha Nishad, aged about 32 years, daughter of Lal Chand Nishad, resident of Village- Chauki, P.O. & P.S.- Sirsa, District-Prayagraj (U.P.).
11. Keshav Chandra Jha, aged about 47 years, son of Vishwambhar Jha, resident of Village & P.O.- Pali Mohan, P.S.-Khajauli, District-Madhubani (Bihar).
12. Suko Kachhap, aged about 43 years, son of Late Jatru Kachhap, resident of Jaria Pepar Toli, P.O. & P.S- Bero, District- Ranchi.
13. Bhagmaniya Kumari, aged about 43 years, daughter of Late Birsa Oraon and wife of Ghameshwar Oraon, resident of Village- Nantilo, P.O-Lawagain, P.S.-Kuru, District-Lohardaga.
14. Pooja Chaturvedi, aged about 33 years, daughter of Suresh Chandra Chaturvedi, resident of Varunapuri Colony, Lane No.12, Gate No.5, Phulwariya Cant, P.O. & P.S.-Phulwariya Cant, District-Varanasi (U.P.).

15. Mamta Kumari, aged about 40 years, daughter of Baliram Sahu and wife of Vijay Sahu, resident of Village- Sakrawli, P.O. & P.S.-Sisai, District-Gumla.
16. Sarfaraj Nawaz, aged about 42 years, son of Abul Hasan, resident of Village-Konhara Khurd, R.O.-Jhurjhuri, P.S.-Barkatha, District-Hazaribagh.
17. Buland Akhtar Rijwi, aged about 40 years, son of Abdul Aziz Siddiki, resident of Village- Kuju Basti, P.O.-Kuju, P.S.-Mandu, District-Ramgarh.
18. Anup Kumar Toppo, aged about 43 years, son of Noel Toppo, resident of Purana Lowadih, P.O. & P.S.-Namkum, District- Ranchi.

…… Writ Petitioners/Appellants

Versus

1. The State of Jharkhand through its 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 Director, Secondary Education, School Education and Literacy Department, Government of Jharkhand, having Office at Project Building, Dhurwa, P.O. & P.S.-Dhurwa, Town and District- Ranchi.
3. Jharkhand Staff Selection Commission through its Secretary, having Office at Kali Nagar, Chai Bagan, Namkum, P.O. & P.S.-Namkum, Town and District- Ranchi.

… Respondents/ Respondents

4. Rajesh Sen, son of Kartik Sen, resident of Village & P.O.-Napara, P.S.-Puncha, District- Purulia (W.B.)

…. Writ Petitioner/ Proforma Respondent

With

L.P.A. No.181 of 2024

Alka Kumari, aged about 35 years, Daughter of Gorakhnath Tiwary, wife of Atul Kumar Shukla, Resident of village Bhougu, P.O. Khamdih, P.S. Medininagar, District Palamau, Jharkhand, at present Resident of at C/o Atul Kumar Shukla, 6/171, Choodi Gali, Obra, P.O. & P.S. - Obra, District - Sonbhadra, Uttar Pradesh.

…… Appellant/Petitioner

Versus

1. The State of Jharkhand through its Secretary/Principal Secretary, School Education and Literacy Department, having its office at MDI Building, Dhurwa, P.O. and P.S. -Dhurwa, District - Ranchi.
2. The Director, Secondary Education, School and Literacy Department, Government of Jharkhand having office at Secondary Education Directorate, MDI Building, Dhurwa, P.O. + P.S.-Dhurwa, District - Ranchi.

3. Jharkhand Staff Selection Commission through its Secretary, having office at Kali Nagar, Chai Bagan, Namkum, P.O. + P.S. Namkum, District Ranchi, Jharkhand.

… Respondents/ Respondents

With

L.P.A. No. 182 of 2024

1. Anil Kujur, aged about 49 years, son of Late Johan Kujur, resident of Village- Chetma, P.O.-Akshi, P.S.-Mahuadanr, District- Latehar.
2. Pranab Kumar Patra, aged about 42 years, son of Late Arun Kumar Patra, resident of Village & P.O.-Nemaipur, P.S.- Simlapal, District- Bankura (W.B.).
3. Diwakar Prasad Tiwary, aged about 42 years, son of Sri Vindhyawasini Prasad Tiwari, resident of Village-Khiri, P.O.-Ramgarh, P.S.-Koraon, District- Prayagraj (U.P.)

... …… Writ Petitioners/Appellants

Versus

1. The State of Jharkhand through its Secretary/Principal Secretary, School Education and Literacy Department, having office at MDI Building, Dhurwa, P.O. and P.S. -Dhurwa, District - Ranchi.
2. The Director, Secondary Education, School and Literacy Department, Government of Jharkhand having office at Secondary Education Directorate, MDI Building, Dhurwa, P.O. & P.S.-Dhurwa, Town and District - Ranchi.
3. Jharkhand Staff Selection Commission through its Secretary, having office at Kali Nagar, Chai Bagan, Namkum, P.O. & P.S. Namkum, Town and District Ranchi.

…. … Respondents/ Respondents

With

L.P.A. No.193 of 2024

Jha Pooja Mahadeo, aged about 34 years, wife of Pawan Kumar Jha, resident of Village- New Barganda, M. Ward No.10, P.O.- Giridih, P.S.- Giridih (T), District- Giridih (Jharkhand).

…… Appellant/Writ Petitioner

Versus

1. The State of Jharkhand, through Secretary/Principal Secretary, School, Education and Literacy Department, having its office at M.D.I. Building Dhurwa, P.O. and P.S. -Dhurwa, District – Ranchi (Jharkhand).
2. The Director, Secondary Education, School, Education and Literacy Department, Govt. of Jharkhand, having its office at M.D.I. Building, P.O. & P.S.-Dhurwa, District – Ranchi (Jharkhand).
3. The Jharkhand Staff Selection Commission, through its Secretary, having its office at Kali Nagar, Chai Bagan, P.O. & P.S. Namkum, District Ranchi (Jharkhand).

…. Respondents/Respondents

With

L.P.A. No. 203 of 2024

1. Minakshi Kumari, aged about 42 years, wife of Binda Prasad, Resident of N.No.150A, old A.G.Colony, Kadru, Opposite Nath Hospital, PO-Doranda, PS-Argora, District-Ranchi, Jharkhand.
2. Aneeta Kumari, aged about 34 years, D/o Shri Prabhu Narayan Pal, Resident of village- Jogawa, P.O. & P.S.- Domari, District-Mirzapur, U.P.
3. Santosh Kumar Gupta, aged about 48 years, Son of Sri Ramjee Prasad Gupta, Resident of Duplex No.39, Depavilla, Bhuvneshwari Green Estate, near Radhika Garden, PO-Luwabasa, P.S.- Govindpur, East Singhbhum, Jharkhand.
4. Sushma Bhuinya, aged about 39 years, D/o late Rajesh Pahan, resident of village Naygom toil, Simdega, P.O & P.S.- Simdega, District-Simdega, Jharkhand.

…… Appellants/Writ Petitioners

Versus

1. The State of Jharkhand, through Secretary/Principal Secretary, School, Education and Literacy Department, having its office at M.D.I. Building Dhurwa, P.O. and P.S. -Dhurwa, District – Ranchi, Jharkhand.
2. The Director, Secondary Education, School, Education and Literacy Department, Govt. of Jharkhand, having its office at M.D.I. Building, P.O. & P.S.-Dhurwa, District – Ranchi, Jharkhand.
3. The Jharkhand Staff Selection Commission, through its Secretary, having its office at Kali Nagar, Chaay Bagan Namkum, P.O. & P.S. Namkum, District-Ranchi, Jharkhand.

…. …Respondents/ Respondents

With

L.P.A. No. 230 of 2024

Bisnupada Sahoo, aged about 34 years, son of Chittaranjan Sahoo, resident of Kotpura, P.O.- Ganasarisha, P.S.- Keshiary, District- Paschim Mednipur, West Bengal. …… Appellant/ Petitioner

Versus

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, At-Project Building, P.O. & P.S.- Dhurwa, District – Ranchi, Jharkhand.
3. The Director, Secondary Education, School Education and Literacy Department, Government of Jharkhand, At-Project Building, P.O. & P.S.- Dhurwa, District – Ranchi, Jharkhand.
4. The Jharkhand Staff Selection Commission through its Secretary, Having its office at Namkum, P.O. & P.S. Namkum, District-Ranchi, Jharkhand. …. …Respondents/ Respondents

With

L.P.A. No. 231 of 2024

Vedveer Singh Panwar, aged about 37 years son of Uday Veer Singh, resident of House No. L.I.G. 245, Avas Vikas-2, Bulandshahar, P.O. & P.S. Bulandshahar, District- Bulandshahar, Uttar Pradesh

…. Writ Petitioner/Appellant

Versus

1. State of Jharkhand
2. Secretary, School Education and Literacy Department, having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi.
3. The Principal Secretary, Personnel Administrative Reforms and Rajbhasha Department, Government of Jharkhand, Ranchi having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi.
4. Director, Directorate of Secondary Education, having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi
5. Jharkhand Staff Selection Commission, represented through its Secretary, having his office at Kalinagar, Chaay Bagan, P.O. & P.S. Namkum, Ranchi, Jharkhand-834010.
6. The Examination Controller, Jharkhand Staff Selection Commission, having his office at Kalinagar, Chaay Bagan, P.O. & P.S. Namkum, Ranchi, Jharkhand 834010

…. … Respondents/ Respondents

With

L.P.A. No. 232 of 2024

1. Nirmal Biswas, aged about 34 years, son of Nikhil Biswas, resident of Plot No. 219 K B M, Chakdaha, Nadia, P.O. & P.S. Chakdaha Nadia, District Nadia, West Bengal.
2. Asit Biswas, aged about 36 years son of Ashoke Biswas, resident of Ghurni Gharami Para, 2nd Lane, Krishnanagar, Ghurni Nadia, P.O. & P.S. Ghurni Nadia, District Nadia, West Bengal
3. Amit Kumar Mendal (co-appellant) aged about 33 years, son of Akshay Kumar Mondal, resident of Ghurni Bakul, Talapara (Godown), P.O. & P.S. Ghurni, District- Nadia, West Bengal.

…. Writ Petitioners/Appellants

Versus

1. State of Jharkhand
2. Secretary, School Education and Literacy Department, having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi.
3. The Principal Secretary, Personnel Administrative Reforms and Rajbhasha Department, Government of Jharkhand, Ranchi having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi.
4. Director, Directorate of Secondary Education, having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi
5. Jharkhand Staff Selection Commission, represented through its Secretary, having his office at Kalinagar, Chaay Bagan, P.O. & P.S. Namkum, Ranchi, Jharkhand-834010.

6. The Examination Controller, Jharkhand Staff Selection Commission, having his office at Kalinagar, Chaay Bagan, P.O. & P.S. Namkum, Ranchi, Jharkhand 834010

…. … Respondents/ Respondents

With

L.P.A. No. 233 of 2024

1. Sharda Mahanandi, aged about 36 years daughter of Yogendra Baraik, resident of Road No. 1, Ratu Road, Indrapuri, Hehal, P.O. & P.S. Hehal, Ranchi, Jharkhand.
2. Aparna Singh, aged about 36 years, wife of Rajeev Kumar Singh, resident of House No. 64A, Krishnapuri Colony, Namkum Bazar, Namkum, P.O. & P.S. Namkum, Ranchi, Jharkhand
3. Kumari Anju Verma, aged about 30 years, daughter of Gulab Chandra Verma, resident of H.No. 154, Jamuiee Mathla, P.O. & P.S. Ballia, District Ballia, Uttar Pradesh.
4. Pooja Kumari, aged about 33 years, daughter of Shambhunath Rana, resident of Sijhuwa, P.O. & P.S. Bariyath, District Hazaribagh, Jharkhand.

…… Writ Petitioners/Appellants

Versus

1. State of Jharkhand
2. Secretary, School Education and Literacy Department, having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi.
3. The Principal Secretary, Personnel Administrative Reforms and Rajbhasha Department, Government of Jharkhand, Ranchi having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi.
4. Director, Directorate of Secondary Education, having its office at H.E.C., P.O. & P.S. Dhurwa, District Ranchi
5. Jharkhand Staff Selection Commission, represented through its Secretary, having his office at Kalinagar, Chaay Bagan, P.O. & P.S. Namkum, Ranchi, Jharkhand-834010.
6. The Examination Controller, Jharkhand Staff Selection Commission, having his office at Kalinagar, Chaay Bagan, P.O. & P.S. Namkum, Ranchi, Jharkhand 834010

…. … Respondents/ Respondents

7. Kumar Sambhawam, aged about 34 years, son of Rajendra Pathak, resident of 50 West Tola, Neyazipur, P.O. & P.S. Niazipur, District Buxar, Bihar.
8. Akanksha Swaroop, aged about 33, daughter of Kuldip Kumar Gupta, resident of Village Palkot Road, Gumla, P.O. & P.S. Gumla, District, Gumla, Jharkhand.

…. …Petitioner No. 4 & 5/Proforma Respondent

With

L.P.A. No. 253 of 2024

Ajeet Kumar Singh, aged about 45 years, son of Sri Ramnet Singh, resident of Village-Hemja, P.O.-Karimandih, P.S.- Haidarnagar, District-Palamu.

…… Writ Petitioner/Appellant

Versus

1. The State of Jharkhand through its Secretary/Principal Secretary, School Education and Literacy Department, having office at MDI Building, Dhurwa, P.O. and P.S. -Dhurwa, Town and District - Ranchi.
2. The Director, Secondary Education, School Education and Literacy Department, having office at MDI Building, Dhurwa, P.O. & P.S.-Dhurwa, Town and District - Ranchi.
3. Jharkhand Staff Selection Commission through its Secretary, having office at Kali Nagar, Chai Bagan, Namkum, P.O. & P.S. Namkum, Town and District Ranchi.

…. …Respondents/ Respondents

With

L.P.A. No. 405 of 2024

Lipika Gupta, aged about 31 years, W/o- Sashi Kumar, R/o- Bank Colony, Kokar, P.O.- Kokar, P.S.- GPO Ranchi, Dist.- Ranchi, Jharkhand

…… …… Petitioner/Appellant

Versus

1. The State of Jharkhand, through its Secretary/Principal Secretary, School Education and Literacy Department having its office at MDI Building, Dhurwa, P.O. & P.S. -Dhurwa, District – Ranchi (Jharkhand).
2. The Director, School Education and Literacy Department, having its office at MDI Building, Dhurwa, P.O. & P.S.-Dhurwa, District – Ranchi (Jharkhand).
3. The Jharkhand Staff Selection Commission through its Secretary, having office at Kali Nagar, Chai Bagan, Namkum, P.O. & P.S. Namkum, District Ranchi (Jharkhand).

…. … Respondents/ Respondents

With

L.P.A. No. 432 of 2024

Jyoti Singh, aged about 32 years, daughter of Dayanath Singh, resident of Hajauli (Dad ke pura), P.O. & P.S.- Hajauli, Dist.- Balia (Uttar Pradesh).

…… Appellant/Writ Petitioner

Versus

1. The State of Jharkhand, through its Secretary/Principal Secretary, School, Education and Literacy Department, having its office at M.D.I. Building Dhurwa, P.O. and P.S. -Dhurwa, District – Ranchi, Jharkhand.
2. The Director, Secondary Education, School Education and Literacy Department, Govt. of Jharkhand, having its office at M.D.I. Building, Dhurwa, P.O. & P.S.-Dhurwa, District – Ranchi, (Jharkhand).

3. The Jharkhand Staff Selection Commission, through its Secretary, having its office at Kali Nagar, Chai Bagan, P.O. & P.S. Namkum, District Ranchi, Jharkhand.

…. …Respondents/Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Appellants: M/s. Manoj Tandon, Neha Bhardwaj, Saurabh Shekhar, Shubham Mishra, Ashutosh Anand No. 2, Harsh Chandra, Amritansh Vats, P.A.S. Pati, Rohan Kashyap, Akash Deep, Advocates

For the Resp.-State: M/s Gaurav Raj (AC to AAG-II), J. F. Toppo (GA-V), Neil Abhijit Toppo (AC to GA-V), Md. Shahabuddin (SC-VII), Suraj Prakash (AC to SC-VII), Manish Kumar (Sr. SC-II), Ashwini Bhushan (AC to Sr. S.C.-II), Rohit, (AC to AAG-I), Aditya Kumar (AC to Sr. SC-I), Sahbaj Akhtar, AC to AAG.-III), Rakesh Ranjan (AC to GA-I)

For the Resp.-JSSC: Mr. Rajiv Ranjan, A.G,
M/s. Sanjoy Piprawall, Rakesh Ranjan, Prince Kumar, Jay Prakash, Tejo Mistri, Pravin Kumar Pandey, Amit Kumar, Richa Sanchita, Pinky Shaw, Dr. Ashok Kr. Singh, Sharon Toppo, Advocates

Reserved on: 10.02.2025 **Pronounced on: 28 . 2 .2025**

M.S. Ramachandra Rao, C.J.(Oral)

1. Since common issue is raised in all these LPAs, they are being disposed of by this common judgment. For reference we shall refer to the facts in W.P.(S). No. 3436 of 2023.

2. The appellants were all issued Admit Cards and they had appeared for the Combined Graduate Trained Teacher Competitive Examination - 2016 held on various dates between 29.10.2017 and 2.12.2017 pursuant to Advertisement No. 21/2016 published by the Jharkhand Staff Selection Commission and had all been successful in the said examination.

3. Results were published on the basis of district wise merit list, but the same was challenged before this Court in several writ petitions i.e., W.P.(C).No.1387 of 2017 and other cases (titled **Soni Kumari and Ors v. State of Jharkhand and Ors**).

4. A Full Bench of this Court vide judgment dt. 21.9.2020 reported in **(2020) 4 JBCJ 207 (FB) (HC)** held that reserving posts by the State for those who are residents of particular districts of the State of Jharkhand was unconstitutional.

5. Thereafter this Full Bench judgment was challenged before the Supreme Court in **Satyajit Kumar and Ors v. State of Jharkhand & Others.** The Supreme Court decided the said case by a judgment reported in **(2022) SCC OnLine SC 954** as well as orders passed in Contempt Petition (C) No.612 /2022 arising out of Civil Appeal No.4044 of 2022 (**Soni Kumari and others v. K. Ravi Kumar & Others**) and other Contempt applications.

6. Pursuant to the judgment of the Supreme Court further results were declared by the Commission subsequently between 30.09.2022 and 11.05.2023 on the basis of State wise merit list and they were then uploaded only on the website of the Commission.

The case of the appellants

7. The grievance of the appellants in the Writ Petitions filed by them was that they were not communicated personally and individually to attend document verification by the said Commission, though they are all qualified to be appointed to posts of Trained Graduate Teachers in

Government Secondary Schools of the State of Jharkhand in the subjects for which they had applied.

8. Appellants contend that individual call letters were not sent to them, that the dates on which they should attend the document verification were not published in any newspaper, that no email or short message service (SMS) was also sent to the appellants by the Commission individually intimating them personally of the fact they were successful and should produce their documents for verification though details regarding their phone numbers and emails were already there in the application form submitted by each individual appellant in the Commission's custody. However, they admitted that the results were uploaded on the website of the Commission under the caption "Important Notice" for programme of document verification. According to them, they did not appear before the Commission and produce documents for verification because they did not have knowledge of the dates on which they had to produce the documents for verification. They therefore sought a direction in the Writ Petitions to the Commission to consider their cases for appointment on the post of Trained Graduate Teacher in the concerned subjects and consequently to issue appointment letters to them.

9. They also contend that when the Commission had sent messages to the appellants to their mobile numbers and email identities to download the Admit Card and so it also ought to have followed the said procedure when results were being uploaded on the website of the Commission declaring the appellants successful for document verification. They contended that though the dates of document verification in respect of the

appellants had been fixed by the Commission, the appellants were not aware of such dates and so could not attend on the relevant date of document verification.

10. They claimed that only in April/May, 2023 and more particularly on or after 17th May, 2023 when some of the candidates were handed over appointment letters by the Chief Minister of the State of Jharkhand, and this was widely published in newspapers, they came to know about they being successful and also being invited for document verification.

11. They contended that they made representations to 1st and 3rd respondent but no action was taken thereon.

12. According to the appellants, it is the duty cast upon the Commission to send individual call letters through any mode permissible under the law to the appellants but this has not been done; merely uploading the results on the website of the Commission would not amount to sufficient information to all the appellants; and they could not appear on the dates for document verification for the reason that they did not get the information of the same properly on time. They claimed that their fundamental rights under Article 14 and 16 of the Constitution had been violated at the hands of the Commission and the action of the respondent Commission is not sustainable in law.

The stand of the Commission

13. In the counter affidavit filed by the Commission reliance is placed on Clause 16(4)(ग)(viii) of Annexure-1 to the writ petition which is the advertisement/prospectus issued by the Commission.

It is contended that in the said Clause it is clearly mentioned that all information regarding the examination will be provided on the *website* of the Commission.

It is contended by the 3rd respondent that after the examination was conducted on various dates in the year 2017, it had published the list of shortlisted candidates for verification of their testimonials and also made recommendation for their appointment in 2019 in Scheduled and Non Scheduled Districts.

This came to be challenged in ***W.P.(C) No. 1387 of 2017 Soni Kumari and others Vs. State of Jharkhand and others***[1] and the said writ petition was allowed on 21.09.2020 and appointments made in the Scheduled Districts were quashed.

It is also stated that this judgment of the High Court was challenged in the Supreme Court in ***S.L.P.(C) No. 12490 of 2020*** and the Supreme Court disposed of the same with the title ***Satyajit Kumar and others Vs State of Jharkhand and others*** (supra) on 02.08.2022 agreeing with the view of the High Court primarily, but the Supreme Court modified the same in certain respects and directed the State Government to revise the merit list based on already published cut-off obtained by the last selected candidates in each TGT subject against the respective categories with respect to the entire State while directing that the respective candidates belonging to the Non Scheduled Area and Scheduled Area (Districts) shall be adjusted accordingly on the basis of the individual merits of the candidates keeping in mind the peculiar facts and circumstances of the

[1] (2020) 4 JBCJ 207 (FB) (HC)

case and considering the fact that there are already vacant post of Teachers in the State both in the Scheduled and Non-Scheduled Areas.

Thereafter, in a Contempt Petition (C) No. 612 of 2022 and other analogous contempt petitions, further directions were issued on 02.12.2022 by the Supreme Court directing the State Government to prepare a merit list of those candidates who actually were appointed both in the Scheduled and Non Scheduled Area and directing that whenever a candidate in the Non Scheduled Area is found to be more meritorious than the last candidate in the Scheduled Area of which he had given option, then that candidate in the Non Scheduled Area be adjusted in the concerned Scheduled Area as per his merit, and the last candidate in the Scheduled Area would have to reshuffled and adjusted in another district among those who are already appointed.

The Supreme Court also directed that the original writ petitioners who approached the High Court also should get their merit list prepared by the State Government and it should appoint and/or adjust them in the Non Scheduled or Scheduled District as per their merit.

It clarified that except those who did not approach the High Court benefit of its order should be given.

14. After passing of orders in the proceedings by the Supreme Court on 02.08.2022, 02.12.2022 and 15.12.2022, the Commission started the process to revise the merit list and published a list of shortlisted candidates between 27.09.2022 and 11.05.2023 in different subjects and invited verification of the testimonials on respective dates.

15. It is stated that the appellants were also shortlisted for verification of their testimonials along with other candidates and notice to the said effect was also given to them through the website of the Commission. It is stated that shortlisted candidates were also informed that if they failed to appear before the Commission for their document verification on 11.10.2022, 12.10.2022 and 13.10.2022 and 14.10.2022, they can also appear before the Commission on 20.10.2022 for verification of their testimonials; and further opportunities were provided to them if they could not appear for verification of their testimonials on the earlier dates.

16. It also claimed that it issued notice on 25.01.2023 requesting the candidates to appear for verification of their testimonials from 09.02.2023 to 14.02.2023 and again gave another notice on 16.03.2023 requesting them to appear for verification on 21.03.2023. Later, another notice dt. 03.04.2023 was also issued asking the candidates to appear for verification on 12.04.2023.

17. It is therefore contended that all shortlisted candidates including the appellants were provided sufficient opportunities for their appearance for verification of their testimonials, and since they did not avail the said opportunity, appointment letters were not issued to them and their candidature were not considered.

18. It is contended that all the appellants were aware of the ongoing selection process, that they were also aware that sending personal information regarding the examination was not the requirement of the advertisement in view of Clause 16(4)(ग)(viii) of the advertisement, and

they cannot blame the Commission for their fault in not appearing before the Commission for verification of their testimonials.

19. It is pleaded that in view of the terms and conditions of the advertisement, publication of notice in newspaper or sending the message on email to each individual candidate was not required, and that the selection process was conducted strictly in terms of the advertisement.

The judgment of the learned single Judge

20. The learned Single Judge in the impugned judgment dt. 22.01.2024 accepted the contentions of the Commission and dismissed the writ petitions.

21. The learned Single Judge held that advertisement No. 21/2016 issued by the Commission for conduct of the examination for making appointments on the post of Trained Graduate Teacher in Government Secondary Schools contained Clause 16(4)(ग)(viii) of the advertisement which specifically provided that all information relating to the examination would be uploaded on the *website* of the Commission; the Commission was therefore, bound to upload the information regarding the examination on the website; and it followed the same and had even uploaded information for document verification on its website.

22. He held that all candidates are expected to be aware of the terms and conditions stipulated in the advertisement, that they were also bound by the conditions of the advertisement, and they cannot claim deviation from those conditions on the ground that it was not feasible.

23. He held that since it was specifically stipulated in the advertisement that all communications would be made through official

website of the Commission, the candidates were duty bound to check the website at regular intervals so as to get information relating to the said examination. He noted that each and every notice for document verification published on the website of the Commission right from 27.09.2022, and held that candidates should see the website of the Commission at regular intervals and their claim that they had no knowledge of the publication of the revised result cannot be believed.

24. He also held that at least three opportunities were given to the appellants to get their documents verified, and some were given more than three opportunities also, but they did not appear for document verification.

25. Since the mode of communication of information stipulated in their advertisement was dully followed by the Commission in case of the appellants, they do not deserve indulgence on the ground that some of the candidates were given personal information about the document verification through messages such as SMS/emails and newspaper publication.

26. He also held that on a mere ground that personal information for downloading Admit Cards were given the appellants through message on mobile phones/emails, no legal right is created in their favour to compel the Commission to provide any subsequent information personally, and in absence of any legal right no mandamus can be issued under Article 226 of the Constitution of India on the basis of sympathy.

27. The learned Single Judge then relied on the judgment of a Bench of this Court in ***Basanti Kerketta Vs. State of Jharkhand and others***

W.P.(C) No. 1522 of 2019 where the petitioner had raised a plea that she lived in remote area which had no internet facility and so she could not appear for document verification on account of lack of knowledge of the notice of the document verification. He held that the Bench in the said case took the view that a condition inserted in the notice inviting application was binding upon the candidates once they chose to participate in the process and that the said view was also reiterated in ***Anjana Kumari Vs. The State of Jharkhand and others, W.P.(S) No. 6204 of 2018***.

28. The learned Single Judge has also held that sympathy and compassion stay at a distance when careless approach is taken by a candidate. He also rejected the plea of the appellants about denial of opportunity before cancelling their candidature on the ground that a notice for document verification itself indicated that if a candidate could not appear for document verification on the prescribed dates, their candidature would be treated automatically cancelled. He also held that if any indulgence is shown to the appellants, then it will open a pandora box and the vacancies would never be finally filled up.

29. Challenging the same, these Letters Patent Appeals are filed.

The consideration by the Court

30. Heard learned counsel for the respective appellants.

31. The counsel for the appellants reiterated the contentions raised by them before the learned Single Judge and pleaded that the appellants ought to have been individually and personally informed about the

various dates for verification of their testimonials notwithstanding the fact that the advertisement did not require such a process to be followed.

32. When pressed by the Court to indicate the basis for claiming personal information individually about the dates of document verification, none of the counsel were able to point out any provision of law or precedent conferring such a right on each individual appellant. Unless they establish that they have such a right on the basis of some provision of law or precedent, they are not entitled to any relief.

33. We agree with the view of the learned Single Judge in the impugned judgment that the petitioners have to trace their rights to get personal information about the document verification dates to a statute or rule or to a precedent. In absence of any legal right being established by the appellants for getting the information about the dates of document verification personally, relief cannot be granted to them in a writ jurisdiction.

34. Their plea is that because the process of selection which commenced in 2017 continued for a long period upto even 2023, the appellants have a legitimate expectation of personal communication, and they cannot be expected to keep on verifying the website of the Commission to find out information about the examination from time to time. Therefore, their cases ought to be considered sympathetically and an opportunity should be given to each of them afresh for document verification.

35. Admittedly, Clause 16(4)(ग)(viii) of the advertisement specifically provided for furnishing of information regarding the examination only

through the *website* of the Commission. The appellants were fully aware of the same and they are also bound by the same. They cannot seek any relaxation of the terms and conditions of the advertisement and cannot find fault with the Commission for adhering to the said norms. When opportunity for document verification was given at least three times to each of the appellants as pointed out by the learned Single Judge, and it was not availed by them because of their own negligence in not checking the website of the Commission from time to time, they are not entitled to any relief on the basis of sympathy.

36. Merely because some of the other successful candidates were informed about the dates of document verification through an advertisement or otherwise through email, parity cannot be sought as righty held by the learned Single Judge. Only a person who has enforceable right can claim parity with similarly situated persons but not otherwise.

37. We therefore, do not find any merit in the Letters Patent Appeals and they are accordingly dismissed.

38. Pending Interlocutory Application, if any, stands disposed of.

(M. S. Ramachandra Rao, C.J.)

(Deepak Roshan, J.)

N.A.F.R.
VK