

Jharkhand High Court

Deo Narayan Saw & Ors. vs State Of Jharkhand & Ors. on 16 March, 2010

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 1631 of 2004

with

W.P. (S) No. 3224 of 2003

with

W.P. (S) No. 6154 of 2003

Md. Aslam Ansari & Ors. ... Petitioners [In W.P.(S) No. 1631/2004]

Brajlal Mahto & Ors. ... Petitioners [In W.P.(S) No. 3224/2003]

Deo Narayan Saw & Ors. ...Petitioners [In W.P.(S) No. 6154/2003]

Versus

The Vice-Chancellor, Birsa Agriculture

University, Ranchi & Ors. ... Respondents [In all cases]

CORAM: HON'BLE MR. JUSTICE D.G.R. PATNAIK

For the Petitioners : M/s Ajit Kr., M.K. Sinha, D.K. Pathak, S. Topno,
B. Kumar & V.K. Gupta

For the Respondents : M/s A. Allam, Sr. Advocate, N.S. Mukherjee

13/16.03.2010

Since the issues involved in all these three writ applications are identical, they are disposed of by this common order.

2. Heard counsel for the parties.

3. Petitioners in these writ applications have prayed for issuance of a direction upon the respondents to regularize their services and for considering their cases for regular appointment with all benefits of pay, allowance etc. in the light of observation/direction contained in the order dated 23.09.2001 passed by this court in C.W.J.C. No. 2839/99 (R).

4. The admitted facts of the petitioners' case are as follows:-

The petitioners are working as daily wages under the Respondent-Birsa Agriculture University, Ranchi, since the past several years.

In an earlier writ application vide C.W.J.C. No. 1260 of 89 (R), a direction was issued by this Court to the respondents to consider the cases of such of the daily wage employees, who had applied in pursuance to the advertisement which was issued by the respondents inviting applications for regular appointment.

5. The grievance of the petitioners is that despite the direction, the concerned authorities of the respondents have not considered the case of the petitioners in proper perspective, in accordance with the directions contained in the Court's order and the petitioners continue to suffer detriment, although a large number of persons similarly situated, have been benefited by their absorption in service as permanent employees.

6. Counsel for the Respondent-University submits that pursuant to the Advertisement No. 2/2000, a number of applications were received from aspiring candidates and after scrutinizing their cases, such of the candidates who were found to possess all the requisite qualifications, were absorbed in Class III and Class IV posts under the Respondent-University.

7. Learned counsel for the petitioners would dispute the statement made by the learned counsel for the respondents by contending that the consideration of the candidatures of the candidates was not made in consonance with the directions contained in order passed by a Division Bench of this Court in C.W.J.C. No. 1260/89 (R) and as a matter of fact, the candidates were subjected to discrimination and arbitrary action of the Respondent-University.

8. Counsel for the respondent-University informs that recently a fresh advertisement No. 1/2008 was issued by the Respondent-University, inviting applications from the aspiring candidates for absorption in Class III and Class IV posts. It appears that some of the petitioners have also applied and their cases are subject to consideration. The process could not be concluded till date in view of the interim order passed by this Court. Learned counsel assures that the respondents shall consider the cases of all such applicants including the petitioners herein and also other daily wage employees who may not have applied in response to the Advertisement and take appropriate decision regarding their selection.

9. Considering the above facts and circumstances, these writ applications are disposed of with a direction to the Respondent-University to consider the applications filed by the petitioners in response to the Advertisement No. 1/2008 and also to entertain fresh applications from other candidates who may not have applied till date, if such applications are received within 15 days of their order, and while considering the candidature of the candidates, the respondent shall keep in view the job suitability, qualifications, experience etc. of the candidates and shall give preference to such of the candidates including the present petitioners in respect of their job experience and continuous service rendered during the past several years as daily wage employees. In taking final decision regarding the selection of the candidates, the respondents shall also abide by the directions contained in the order dated 29.08.1989 passed by a Division Bench of this Court in C.W.J.C. No. 1260/89 (R) and act accordingly. The respondents shall ensure that the dates for interview of the candidates, as per the applications received, should be fixed within a reasonable period and the process of selection of the candidates, pursuant to the advertisements issued, shall be completed within a period of six months from the date of this order. Such of the petitioners and other daily wages employees who may not have applied in response to the Advertisement No. 1/2008 and any such subsequent advertisement, shall submit their respective applications within two weeks from the date of this order.

10. With these observations, these writ applications are disposed of at the stage of admission.

Let a copy of this order be given to the counsel for the respondents.

(D.G.R. Patnaik, J.) Manish