

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 748 of 2022

Sudhir Kumar Rajak & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 377 of 2022

Tulsi Das Mahato & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 382 of 2022

Manoj Kumar Verma & Another Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 405 of 2022

Rajesh Kumar Sah & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 413 of 2022

Butan Kumar & Another Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 425 of 2022

Anand Bihari Verma & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 438 of 2022

Md. Afshar Hussain & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 455 of 2022

Sharwan Kumar Mahato & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 492 of 2022
Khublal Mahto & Another Petitioners
Versus
The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 493 of 2022
Ramu Prasad Yadav & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 572 of 2022
Kumar Amit & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 594 of 2022
Manmohan Mahto & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 716 of 2022
Bhikhan Prajapati Petitioner
Versus
The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 720 of 2022
Jagjeet Singh Gundu & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 722 of 2022
Sahdeo Yadav Petitioner
Versus
The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 723 of 2022
Mahesh Yadav & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 724 of 2022

Sukar Thakur & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 739 of 2022

Doman Mahto & Another Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 742 of 2022

Ashok Kumar Pandit & Another Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 749 of 2022

Rupesh Kumar & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 778 of 2022

Chandra Prakash Das & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 866 of 2022

Shankar Prasad & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 886 of 2022

Narayan Mahto & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 896 of 2022

Jhalbal Jha & Others Petitioners
Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 897 of 2022

Mahesh Kumar Petitioner

Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 898 of 2022

Kishor Kumar Gupta Petitioner

Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 902 of 2022

Krishna Kumar & Another Petitioners

Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 905 of 2022

Mahesh Kumar Sharma & Another Petitioners

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 909 of 2022

Prakash Prasad Gorain & Others Petitioners

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 910 of 2022

Krishna Kumar Gupta & Others Petitioners

Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 30 of 2023

Kapil Dev Prasad Mahto Petitioner

Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 31 of 2023

Nageshwar Prasad Singh & Another Petitioners

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 34 of 2023

Rup Lal Sah @ Roop Lal Sah & Others Petitioners

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 40 of 2023

Kundan Kumar Mishra & Others Petitioners

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 68 of 2023

Sanjay Kumar Mistry & Another Petitioners

Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 77 of 2023

Rohit Kumar Gupta & Another Petitioners

Versus

The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 78 of 2023

Ranjeet Kumar Baranwal Petitioner

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 79 of 2023

Ashok Kumar Sahu Petitioner

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 80 of 2023

Basudeo Kumar & Others Petitioners

Versus

The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 81 of 2023

Niplal Mandal Petitioner
Versus
The State of Jharkhand & Another Opposite Parties

With

Cont. Case (Civil) No. 84 of 2023

Ajay Kumar Sharma & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 92 of 2023

Tejo Mahto & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 113 of 2023

Paras Nath Mandal Petitioner
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 130 of 2023

Mukhtar Ansari & Others Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 131 of 2023

Sanjeev Bhushan & Another Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 132 of 2023

Jitendra Kumar Bhagat & Another Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 152 of 2023

Dwarika Mahto & Another Petitioners
Versus
The State of Jharkhand & Others Opposite Parties

With

Cont. Case (Civil) No. 153 of 2023

Sitaram Mahto Petitioner
Versus
The State of Jharkhand & Others Opposite Parties

CORAM
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners: Ms. Aparajita Bhardwaj
Mr. Abhijeet Kumar
For the O.Ps: Mr. Gaurav Raj, A.C to A.A.G-II

10/08.04.2024 The present batch of contempt applications have been filed against the concerned opposite parties alleging wilful disobedience and non-compliance of the order dated 16.02.2022 passed by this Court in W.P.(S) No. 2378 of 2019 [Paras Nath Mandal Vs. The State of Jharkhand & Ors.] along with other analogous cases as well as the order passed by learned Division Bench in L.P.A No. 203 of 2022 [The State of Jharkhand & Ors. Vs. Paras Nath Mandal].

2. These batch of contempt applications were earlier taken up on 22.03.2024 and on the said date, the following order was passed:

“Reference may be made to order dated 09.02.2024, which reads as under:

1. Mr. Gaurav Raj, learned A.C. to A.A.G.-II, produces a copy of draft proposals with respect to inviting final counselling as a last chance against vacant posts of Assistant Teacher under para and non-para categories pursuant to order dated 15.09.2023 passed by learned Division Bench of this Court in L.P.A. No. 203 of 2022 and other analogous cases for making appointment on the said post according to the provisions of Jharkhand Elementary Teacher Appointment Rules,

2012 (as amended in 2014, 2015 & 2019) and submits that the same will be placed before the Cabinet of the State Government for approval. Since in the changed circumstance, full Cabinet has not yet been constituted, the said draft proposals will be placed in the first meeting of the Cabinet as soon as it is constituted. He, accordingly, prays for four weeks' time to comply different orders passed in respective writ petitions and to file the compliance affidavit within the said period.

2. Considering the said prayer, put up these cases under the heading "For Admission" on 22.03.2024.

3. Let copy of the said draft proposals be taken on record.

2. Mr. Gaurav Raj, AC to AAG-II, produces a copy of resolution as contained in memo no. 283 dated 28.02.2024 issued under the signature of the Secretary, Department of School Education and Literacy (Primary Education Directorate), Government of Jharkhand, Ranchi with respect to fixing of the modalities for implementing the order passed by learned Division Bench of this Court in L.P.A No. 203/2022 and other analogous as well as similar cases.

3. It is submitted that consequently, vide letter no. 165/vidhi dated 15.03.2024, the Director, Primary Education, Department of School Education and Literacy, Government of Jharkhand has informed the Deputy Commissioners and District Superintendents of Education of all the districts in Jharkhand with respect to fixing the date of counselling as 25.04.2024 with direction to complete all the necessary procedures relating to counselling before the said date of counselling and to verify all the original

records received on the date of counselling within 10 days from the date of counselling as well as to take appropriate action in accordance with rule.

4. It is further submitted that incidentally on the next day of issuance of the said letter i.e., 16.03.2024, Parliamentary Election was notified by the Election Commission of India. Under the said circumstance, the date of counselling i.e., 25.04.2024 which was fixed vide letter dated 15.03.2024 is to be postponed. However, the process of counselling, in compliance of order dated 15.09.2023 passed by learned Division Bench of this Court in L.P.A No. 203/2022, will commence soon after completion of the said election. He, however, prays for an adjournment to bring the entire development on record.

5. Considering the said prayer, put up these cases under the heading "For Orders" on 08.04.2024."

3. Mr. Gaurav Raj, learned A.C to A.A.G-II appearing on behalf of the opposite parties, refers to paragraphs 4 & 5 of the supplementary show cause affidavit dated 08.04.2024 filed in Cont. Case (Civil) No. 748 of 2022, which read as under:

"4. That it is most humbly and respectfully submitted that earlier the Director of Primary Education, Department of School Education and Literacy, Government of Jharkhand had informed the Deputy Commissioners and District Superintendents of Education of all the districts in Jharkhand with respect to fixing the date of counselling as 25.04.2024.

5. That it is most humbly and respectfully submitted that Director of Primary Education, Department of School Education and Literacy, Government of Jharkhand has informed the Deputy Commissioners and District Superintendents of Education of all the districts in Jharkhand vide letter 195/Vidhi dated 03.04.2024 that Parliamentary Elections dates have been announced and the Model Code of Conduct for the same is in effect. Therefore, the date of counselling scheduled on 25.04.2024 is postponed immediately.

After the completion of elections, the date of counselling will be decided and informed.”

4. Having heard learned counsel for the parties and considering that the State Government has already proceeded for conducting the counselling in terms with the order dated 16.02.2022 passed by this Court in W.P.(S) No. 2378 of 2019 [Paras Nath Mandal Vs. The State of Jharkhand & Ors.] along with other analogous cases as well as the order passed by learned Division Bench in L.P.A No. 203 of 2022 [The State of Jharkhand & Ors. Vs. Paras Nath Mandal] which has been temporarily postponed due to imposition of Model Code of Conduct in view of ensuing Parliamentary Elections as well as keeping in view the specific statement made in paragraph 5 of the supplementary show cause affidavit dated 08.04.2024 that after completion of the said elections, the date of counselling will be decided and will be informed accordingly, there is no need to keep all the contempt applications pending.

5. Since it is to be seen under the contempt jurisdiction as to whether the orders passed by this Court in the respective writ petitions have been complied by the concerned opposite parties, the Court intends to keep few contempt applications pending out of the present batch, in order to observe as to whether the opposite parties promptly conduct the counselling in terms with the aforesaid orders of this Court after completion of the Parliamentary Elections. Hence, all these contempt applications, except Contempt Case (Civil) Nos. 377/2022, 748/2022 & 113/2023, are disposed of.

6. The contempt proceedings as against the concerned opposite parties in the said cases are dropped for the present.

7. So far as Contempt Case (Civil) Nos. 377/2022, 748/2022 & 113/2023 are concerned, the office is directed to list the same on 21.06.2024 under the heading “Orders”.

8. The petitioners of the disposed of contempt cases are however at liberty to file fresh contempt application(s), if the orders of this Court passed in their individual cases are not complied by the concerned opposite parties.

(RAJESH SHANKAR, J)

Satish/-