

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No.7068 of 2023

1. Ram Kishore Choudhary
2. Ganga Ram
3. Surendra Mandal
4. Archana Kumari Sharma
5. Sanjay Kumar Bhaiya
6. Suraj Kumar Singh
7. Suman Kumar
8. Tripurari Kumar
9. Khublal Yadav
10. Suresh Prasad Yadav
11. Rupa Kumari
12. Rinku Kumari

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Chief Secretary, Government of Jharkhand, Ranchi.
3. The Principal Secretary, Department of Personnel, Raj Bhasa & Administrative Reforms, Government of Jharkhand, Ranchi.
4. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
5. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Government of Jharkhand, Ranchi.
6. The Director, Jharkhand Education Project Council, HEC Campus, Dhurwa, Ranchi.
7. The Deputy Commissioner, Giridih.
8. The Deputy Commissioner, Chatra.
9. The District Superintendent of Education, Giridih.
10. The District Superintendent of Education, Chatra.
11. The Deputy Commissioner, Sahibganj.
12. The District Superintendent of Education, Sahibganj.
13. The Deputy Commissioner, Pakur.
14. The District Superintendent of Education, Pakur.

..... Respondents.

With
W.P.(S) No.7221 of 2023

1. Awadh Bihari Yadav
2. Shyam Sundar Yadav
3. Sanjay Kumar
4. Raj Kumar
5. Hemant Kumar Mahto

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education and Literacy Department, Government of Jharkhand, Ranchi.

4. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Chatra.
 5. The District Superintendent of Education, Chatra.
 6. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Koderma.
 7. The District Superintendent of Education, Koderma.
 8. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Dhanbad.
 9. The District Superintendent of Education, Dhanbad.
 10. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Pakur.
 11. The District Superintendent of Education, Pakur.
 12. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Deoghar.
 13. The District Superintendent of Education, Deoghar.
 14. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Giridih.
 15. The District Superintendent of Education, Giridih.
 16. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Bokaro.
 17. The District Superintendent of Education, Bokaro.
 18. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Godda.
 19. The District Superintendent of Education, Godda.
 20. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Dumka.
 21. The District Superintendent of Education, Dumka.
 22. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Hazaribagh.
 23. The District Superintendent of Education, Hazaribagh.
 24. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Ramgarh.
 25. The District Superintendent of Education, Ramgarh.
 26. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Sahibganj.
 27. The District Superintendent of Education, Sahibganj.
 28. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Jamtara.
 29. The District Superintendent of Education, Jamtara.
- Respondents.

With
W.P.(S) No.7335 of 2023

1. Dasrath Yadav
2. Md. Shamsul Ansari
3. Suresh Mistri
4. Ramjatan Thakur
5. Basant Kumar Sahu
6. Sarbajit Prasad Yadav
7. Alfaz Ansari
8. Jaychand Kumar Thakur
9. Karimuddin Ansari
10. Rajendra Kumar

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Chief Secretary, Government of Jharkhand, Ranchi.
3. The Principal Secretary, Department of Personnel, Raj Bhasa & Administrative Reforms, Government of Jharkhand, Ranchi.
4. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
5. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Government of Jharkhand, Ranchi.

..... Respondents.

**With
W.P.(S) No.7476 of 2023**

Shyamal Kumar Chatterjee

..... Petitioner.

-Versus-

1. State of Jharkhand, through the Chief Secretary, Government of Jharkhand, Ranchi.
2. Secretary, Department of School Education and Literacy, Government of Jharkhand, Ranchi.
3. Director, Directorate of Secondary Education, Department of School Education and Literacy, Government of Jharkhand, Ranchi.
4. Deputy Commissioner, Ranchi.
5. Deputy Commissioner, Dhanbad.
6. Deputy Commissioner, Sahibganj.
7. Deputy Commissioner, Bokaro.
8. Deputy Commissioner, Seraikela.
9. Deputy Commissioner, Dumka.
10. Deputy Commissioner, Jamtara.
11. Deputy Commissioner, East Singhbhum.
12. District Superintendent of Education, Ranchi.
13. District Superintendent of Education, Dhanbad.
14. District Superintendent of Education, Sahibganj.
15. District Superintendent of Education, Bokaro.
16. District Superintendent of Education, Seraikela.
17. District Superintendent of Education, Dumka.
18. District Superintendent of Education, Jamtara.
19. District Superintendent of Education, East Singhbhum.

..... Respondents.

**With
W.P.(S) No.01 of 2024**

1. Pramod Kumar Barnwal
2. Pradeep Paswan
3. Bijay Yadav

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.

3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
10. The Deputy Commissioner, Bokaro.
11. The Deputy Commissioner, Godda.
12. The Deputy Commissioner, Dumka.
13. The Deputy Commissioner, Hazaribagh.
14. The Deputy Commissioner, Ramgarh.
15. The Deputy Commissioner, Sahebganj.
16. The Deputy Commissioner, Jamtara.

..... Respondents.

With
W.P.(S) No.02 of 2024

1. Sanjeet Rout
2. Sanjay Ray
3. Pawan Kumar Yadav
4. Madhukar Mandal

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Pakur.
5. The Deputy Commissioner, Deoghar.
6. The Deputy Commissioner, Godda.
7. The Deputy Commissioner, Dumka.
8. The Deputy Commissioner, Sahebganj.
9. The Deputy Commissioner, Jamtara.

..... Respondents.

With
W.P.(S) No.03 of 2024

1. Satya Narayan Mahto
2. Ram Prasad Mandal
3. Bibhash Chandra Singh
4. Vinod Kumar
5. Milan Kumar Mandal
6. Ashok Kumar

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.

4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
10. The Deputy Commissioner, Bokaro.
11. The Deputy Commissioner, Godda.
12. The Deputy Commissioner, Dumka.
13. The Deputy Commissioner, Hazaribagh.
14. The Deputy Commissioner, Ramgarh.
15. The Deputy Commissioner, Sahebganj.
16. The Deputy Commissioner, Jamtara.

..... Respondents.

With
W.P.(S) No.04 of 2024

Umesh Jha

..... Petitioner.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Deoghar.
5. The Deputy Commissioner, Jamtara.
6. The Deputy Commissioner, Dumka.
7. The Deputy Commissioner, Giridih.
8. The Deputy Commissioner, Dhanbad.
9. The Deputy Commissioner, Bokaro.

..... Respondents.

With
W.P.(S) No.05 of 2024

1. Radhe Eshar
2. Dinesh Kumar Brahm
3. Abhishek Kumar

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
10. The Deputy Commissioner, Bokaro.
11. The Deputy Commissioner, Godda.
12. The Deputy Commissioner, Dumka.

- 13.The Deputy Commissioner, Hazaribagh.
- 14.The Deputy Commissioner, Ramgarh.
- 15.The Deputy Commissioner, Sahebganj.
- 16.The Deputy Commissioner, Jamtara.

..... Respondents.

With
W.P.(S) No.06 of 2024

Navin Kumar Mishra

..... Petitioner.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Deoghar.
5. The Deputy Commissioner, Sahebganj.

..... Respondents.

With
W.P.(S) No.07 of 2024

1. Bibhuti Bhushan Mandal
2. Nilamber Prasad Yadav

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Ranchi.
5. The Deputy Commissioner, East Singhbhum, Jamshedpur.
6. The Deputy Commissioner, Saraikela.
7. The Deputy Commissioner, Dumka.
8. The Deputy Commissioner, Jamtara.
9. The Deputy Commissioner, Sahebganj.
- 10.The Deputy Commissioner, Pakur.
- 11.The Deputy Commissioner, Godda.
- 12.The Deputy Commissioner, Bokaro.
- 13.The Deputy Commissioner, Dhanbad.
- 14.The Deputy Commissioner, Deoghar.

..... Respondents.

With
W.P.(S) No.08 of 2024

1. Shiv Shanker
2. Manoj Kumar
3. Shatrughan Pandit
4. Shrilal Sah
5. Sanjay Kumar Bhagat
6. Lakhan Lal Sah
7. Vinod Kumar
8. Kedar Prasad Das

9. Sanjay Kumar Das

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
10. The Deputy Commissioner, Bokaro.
11. The Deputy Commissioner, Godda.
12. The Deputy Commissioner, Dumka.
13. The Deputy Commissioner, Hazaribagh.
14. The Deputy Commissioner, Ramgarh.
15. The Deputy Commissioner, Sahebganj.
16. The Deputy Commissioner, Jamtara.

..... Respondents.

With

W.P.(S) No.09 of 2024

1. Nunulal Mandal
2. Tarkeshwar Mandal
3. Satyanarayan Mandal
4. Ganga Ram Mahto
5. Sahebram Tudu
6. Raj Kishor Mandal
7. Kailash Prasad Mahto
8. Md. Kalimullah
9. Om Prakash Mandal

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
10. The Deputy Commissioner, Bokaro.
11. The Deputy Commissioner, Godda.
12. The Deputy Commissioner, Dumka.
13. The Deputy Commissioner, Hazaribagh.
14. The Deputy Commissioner, Ramgarh.
15. The Deputy Commissioner, Sahebganj.

16.The Deputy Commissioner, Jamtara.

..... Respondents.

With
W.P.(S) No.110 of 2024

1. Nitto Gopal Das
2. Arjun Sah
3. Pankaj Kumar Paul
4. Dinesh Ramani
5. Pankaj Kumar Jha

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
- 10.The Deputy Commissioner, Bokaro.
- 11.The Deputy Commissioner, Godda.
- 12.The Deputy Commissioner, Dumka.
- 13.The Deputy Commissioner, Hazaribagh.
- 14.The Deputy Commissioner, Ramgarh.
- 15.The Deputy Commissioner, Sahebganj.
- 16.The Deputy Commissioner, Jamtara.
- 17.The Deputy Commissioner, West Singhbhum, Chaibasa.
- 18.The Deputy Commissioner, Seraikela.

..... Respondents.

With
W.P.(S) No.127 of 2024

1. Kuleshwar Prajapati
2. Arvind Verma

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
- 10.The Deputy Commissioner, Bokaro.
- 11.The Deputy Commissioner, Godda.

- 12.The Deputy Commissioner, Dumka.
- 13.The Deputy Commissioner, Hazaribagh.
- 14.The Deputy Commissioner, Ramgarh.
- 15.The Deputy Commissioner, Sahebganj.
- 16.The Deputy Commissioner, Jamtara.

..... Respondents.

With
W.P.(S) No.128 of 2024

1. Mahendra Kumar Das
2. Beena Kumari Mandal
3. Manikant Yadav
4. Sanjay Kumar Mandal
5. Brahamdeo Yadav
6. Kameshwar Raut

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Dumka.
5. The Deputy Commissioner, Deoghar.
6. The Deputy Commissioner, Jamtara.
7. The Deputy Commissioner, Godda.
8. The Deputy Commissioner, Sahebganj.
9. The Deputy Commissioner, Pakur.

..... Respondents.

With
W.P.(S) No.135 of 2024

1. Purnendu Singh
2. Paltu Sen

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
- 10.The Deputy Commissioner, Bokaro.
- 11.The Deputy Commissioner, Godda.
- 12.The Deputy Commissioner, Dumka.
- 13.The Deputy Commissioner, Hazaribagh.
- 14.The Deputy Commissioner, Ramgarh.
- 15.The Deputy Commissioner, Sahebganj.

16.The Deputy Commissioner, Jamtara.

..... Respondents.

With
W.P.(S) No.136 of 2024

1. Pawan Kumar Gupta
2. Surendra Kumar
3. Ranjeet Kumar

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
- 10.The Deputy Commissioner, Bokaro.
- 11.The Deputy Commissioner, Godda.
- 12.The Deputy Commissioner, Dumka.
- 13.The Deputy Commissioner, Hazaribagh.
- 14.The Deputy Commissioner, Ramgarh.
- 15.The Deputy Commissioner, Sahebganj.
- 16.The Deputy Commissioner, Jamtara.
- 17.The Deputy Commissioner, Palamau.
- 18.The Deputy Commissioner, Garhwa.
- 19.The Deputy Commissioner, Latehar.

..... Respondents.

With
W.P.(S) No.145 of 2024

1. Subodh Kumar Singh
2. Binod Kumar Gupta

..... Petitioners.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi.
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Ranchi.
4. The Deputy Commissioner, Chatra.
5. The Deputy Commissioner, Koderma.
6. The Deputy Commissioner, Dhanbad.
7. The Deputy Commissioner, Pakur.
8. The Deputy Commissioner, Deoghar.
9. The Deputy Commissioner, Giridih.
- 10.The Deputy Commissioner, Bokaro.
- 11.The Deputy Commissioner, Godda.
- 12.The Deputy Commissioner, Dumka.

- 13.The Deputy Commissioner, Hazaribagh.
- 14.The Deputy Commissioner, Ramgarh.
- 15.The Deputy Commissioner, Sahebganj.
- 16.The Deputy Commissioner, Jamtara.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners: Mrs. Sarita Gupta, Advocate
Mr. Abhijeet Kumar, Advocate
Mr. Ankit Apurva, Advocate

For the State : Mr. Faisal Allam, A.C. to S.C. (Mines)-III
Mr. Suman Marandi, A.C. to S.C.IV
Mr. Vishal Kr. Rai, A.C. to G.A.IV
Mr. Rohit, A.C. to A.A.G.I
Mr. Mrinal Kanti Roy, G.A.I
Mr. Anil Kr. Mishra, A.C. to Sr. S.C.I
Ms. Neha Pandey, A.C. to Sr. S.C.III
Mr. N. A. Toppo, A.C. to G.A.V
Mr. Shubham Gautam, A.C. to A.A.G.IV
Ms. Omiya Anusha, A.C. to A.A.G.-IA
Mrs. Nirupama, A.C. to Sr. S.C.II
Mr. Anshuman Kr., A.C. to S.C.(L&C)-II
Ms. Shilpi, A.C. to S.C. (Mines)-II

For the JEPC : Mr. Krishna Murari, Advocate

Order No.03

Date: 15.01.2024

1. Since the similar issue is involved in all these writ petitions, the same are being taken up together with the consent of learned counsel for the parties.
2. In all these writ petitions, the petitioners who are presently the para-teachers have prayed for issuance of direction upon the respondents to call them for counselling for their appointment on the post of Assistant Teacher (Class I to V/ Class VI to VIII) in respective districts under para/non-para categories as per their respective merit, since, according to them, they have scored more marks than the candidates who being para teachers applied under non-para category and were called for counselling held on 3rd June, 2019 pursuant to the order dated

11th May, 2018 passed by the learned Division Bench in L.P.A. No.186 of 2017 with L.P.A. No.199 of 2017.

3. Learned counsel for the petitioners appearing in respective writ petitions jointly submit that the respondent authorities may be directed to accommodate the petitioners in the counselling process to be conducted for the post of Assistant Teacher in the light of judgment 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.] and other analogous matters as well as the order dated 15.09.2023 passed in L.P.A No. 203 of 2022 [The State of Jharkhand & Ors. Vs. Paras Nath Mandal] and other analogous cases, in respective districts and if the petitioners are found eligible, they may be called for counselling keeping in view that they had applied against the vacancies of Assistant Teacher (Class-I to V/Class-VI to VIII) in different districts in the year 2015 under para/non-para categories were not called for counselling, however, the candidates who being para teachers applied under non-para category and obtained lesser marks than the petitioners, were called and allowed to participate in the counselling held on 03.06.2019.
4. It is further submitted by learned counsel for the petitioners that similar issue came up for consideration before this Court in W.P.(S) No. 2378 of 2019 [Paras Nath Mandal Vs. The State of Jharkhand & Ors.] and other analogous cases, which were allowed vide order dated 16.02.2022 with following directions:

"18. As a cumulative effect of the aforesaid observations, rules, guidelines, legal propositions and judicial pronouncements, I hereby direct the respondents to initiate process of counseling for the present petitioners by way of last opportunity, since they have obtained more marks than the last selected candidates in the merit list. The petitioners shall approach the Deputy Commissioners of the concerned Districts, as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order and thereafter, the Deputy Commissioner shall initiate the process of counseling after giving proper notice to the petitioners by way of Press Communique, advertising the notice in the local newspaper having the wide circulation in the concerned Districts and also by putting the notice on the Notice Board of the Office of concerned District Superintendent of Education and thereafter, the entire process of counseling be completed within a period of further four weeks subject to fulfilling the eligibility criteria and also if the present petitioners have secured more marks than the last selected candidates.

Let the entire process be completed within a period of four months from the date of receipt/production of a copy of this order.

19. Let it be made clear that no further counselling shall be held for any reasons whatsoever as the advertisement for appointment of these teachers are of 2015 and the aforesaid directions have been issued in peculiar facts and circumstances of the case, which shall be not taken as precedent."

5. The State of Jharkhand, however, preferred L.P.A No. 203 of 2022 [The State of Jharkhand & Ors. Vs. Paras Nath Mandal] and other analogous cases challenging the order dated 16.02.2022 passed in W.P.(S) No. 2378 of 2019 and other analogous cases, which were dismissed by learned Division Bench vide order dated 15.09.2023 with following direction to the State of Jharkhand:

"57. This Court, on entirety of facts and circumstances, is of the view that the order passed by learned Single Judge needs no interference by this Court and the

direction so passed by learned Single Judge needs no interference by this Court and is required to be complied with at an earliest as the vacancies is of the year 2015 and it must be put to logical end without snatching right of candidates, if they are otherwise eligible. Therefore, the appellants-State are hereby directed to:

I. Initiate the process of counseling forthwith for the present petitioners by way of last opportunity as it is alleged they have obtained more marks than the last selected candidates in the merit list in the respective districts.

II. The petitioners shall approach the Deputy Commissioners of the concerned Districts, as early as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

III. However, in the meantime, the Deputy Commissioner of the concerned district shall give proper notice to the petitioners by way of Press Communique, advertising the notice in the local newspaper having the wide circulation in the concerned Districts and also by putting the notice on the Notice Board of the Office of concerned District Superintendent of Education.

IV. This Court hopes and trusts that the entire process of counseling will be completed within a period of further eight weeks subject to fulfilling the eligibility criteria and also if the present petitioners have secured more marks than the last selected candidates.

V. It is made clear that the entire process of selection shall be made strictly in accordance with relevant rules/regulations and judicial pronouncements, as mentioned above, within a period of four months from the date of receipt/production of copy of this order.

VI. Let it be made clear that no further counselling shall be held for any reasons whatsoever as the advertisement for appointment of these teachers are of 2015 and the aforesaid directions have been issued in peculiar facts and circumstances of the case, which shall be not taken as precedent."

6. It is also submitted that subsequent to disposal of the aforesaid L.P.As., a co-ordinate Bench of this Court vide order dated 19.09.2023 has disposed of another writ petition i.e. W.P.(S) No.3406 of 2021 in following terms:

"5. In view of the fair submissions made by the learned Counsel for the parties, this writ petition is being disposed of in terms of the order dated 16.02.2022, passed by this Court in case of in W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases as well as LPA No. 203 of 2022 and if the cases of the present petitioners are found to be same and similar to the cases of the petitioners in W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases, the present petitioner is also entitled for the same benefits.

6. Accordingly, I hereby direct the respondents-authorities to verify the factual aspects/issues involved in the present writ petition vis. a vis. factual aspects/issues involved in W.P.(S). No. 2378 of 2019 (Paras Nath Mandal Vs. the State of Jharkhand & Ors.) and other analogous cases, and if the facts/issues involved in the present writ petition is found to be similar to the aforementioned writ petition, the same benefits may be extended to the present petitioner also in accordance with law, within a period of 8 weeks from the date of receipt/ production of a copy of this order."

7. It is thus submitted by learned counsel for the petitioners that the present batch of writ petitions may also be disposed of in terms with the order dated 16.02.2022 passed in W.P.(S) No. 2378 of 2019 and other analogous cases as well as the order dated 15.09.2023 passed by learned Division Bench in the aforesaid L.P.As. It is further submitted that the process of counselling in terms with order dated 15.09.2023 passed in L.P.A No. 203 of 2022 and other analogous cases has not yet started and as such the respondent authorities may be directed to also include the petitioners in the said counselling since they have secured higher marks than the candidates who have been called for counselling.
8. Learned counsel appearing on behalf of the respondent-State in respective writ petitions, while responding to the query of

the Court, jointly submit that as per their instructions, press communique has not yet been issued by the Deputy Commissioners of the concerned districts.

9. Under the aforesaid circumstance, the present batch of writ petitions are disposed of in terms with the direction as contained in order dated 15.09.2023 passed in L.P.A No. 203 of 2022 and other analogous cases. The respective authorities are accordingly directed to verify the factual aspect involved in each of the writ petitions in the present batch vis-à-vis the factual aspect/issues involved in W.P.(S) No. 2378 of 2019 [Paras Nath Mandal Vs. The State of Jharkhand & Ors.] and other analogous cases as well as L.P.A No. 203 of 2022 [The State of Jharkhand & Ors. Vs. Paras Nath Mandal] and other analogous cases. If on verification/scrutiny, the fact/issue involved in any of the writ petitions out of the present batch is found to be similar to the said batch of writ petitions as well as L.P.As., the same benefit will be extended to the similarly situated petitioner(s) while following the direction as contained in the order dated 15.09.2023 passed by learned Division Bench in L.P.A No. 203 of 2022 and other analogous cases.

(Rajesh Shankar, J.)

Sanjay/