

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 975 of 2019

Shyamal Kumar Das

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Petitioner

Versus

1. The State of Jharkhand through Chief Secretary, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O and P.S. Dhurwa, District-Ranchi.
2. Principal Secretary, Department of Personnel, Training and Raj Bhasha, having its office at Project Building, Dhurwa, P.O and P.S. Dhurwa, District-Ranchi.
3. Principal Secretary, Human Resources Department, having its office at Project Building, Dhurwa, P.O and P.S. Dhurwa, District-Ranchi.
4. Principal Secretary, School Education and Literacy Department, Jharkhand, Ranchi, having its office at Project Building, Dhurwa, P.O and P.S. Dhurwa, District-Ranchi.
5. Secretary, Jharkhand Staff Selection Commission, Ranchi, having its office at Kali Nagar, Chaibagan, Namkom, P.O and P.S. Namkom, District-Ranchi.
6. Controller of Examination, Jharkhand Staff Selection Commission, Ranchi, having its office at Kali Nagar, Chaibagan, Namkom, P.O and P.S. Namkom, District-Ranchi.

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Respondents.

CORAM: HON'BLE MR. JUSTICE ANANDA SEN.

For the petitioner: Mr. Nisith Kr. Sahani, Advocate
For the Respondent-State: Mr. Adshay Verma, A.C to Sr. S.C-I
For the Respondent-JSSC: Mr. Sanjay Piprawall, Advocate

05/29.04.2019. The petitioner in this writ application has prayed to direct the respondents to allow the petitioner to appear in the Counselling Programme (Programme for verification of certificates) with respect to the Combined Graduate Trained Teachers' Competitive Examination, 2016 (Mains). Pursuant to the Advertisement No. 21 of 2016, Combined Graduate Trained Teachers' Competitive Examination, 2016. The petitioner applied for the category of "Music" in the District of Hazaribagh. The application of the petitioner was accepted and then admit card was issued to the petitioner for appearing in the test scheduled to be held on 29.10.2017 and 29.11.2017. The petitioner appeared in the test and became successful. The petitioner submits that he had received no information about the counselling process and thus could not appear. He submits that he was also ill and suffering from infective jaundice and was hospitalized. He submits that later on he came to know that the first counselling was held from 03.01.2019 to 23.01.2019. He submits that a second chance was given which is on 09.02.2019 but as he was not aware and was suffering from illness he could not appear in the counselling process and thus his candidature was cancelled. He submits that no opportunity was given to him so that he can appear in a counselling.

2. Mr. S. Piprawall, appears on behalf of Staff Selection Commission submits that from the record it is quite clear that period of counselling was fixed from 03.01.2019 till 23.01.2019. Admittedly, the petitioner did not appear in the said counselling. Second opportunity was given to all candidates who missed the first counselling. The date fixed was 09.02.2019. On that date also the petitioner failed to appear. Thus, having no alternative, his candidature has been cancelled. He lastly submits that the counselling process is over and there is no scope of any further counselling. He further submits that there are several other candidates, whose case is similar, one of them being Basanti Kerketta who approach this Court in W.P. (C) No. 1522 of 2019 but her case was dismissed.

3. After hearing the parties, I find that the petitioner was successful as his name was appeared in the list of successful candidate. Opportunity was given to the petitioner to appear in the counselling that is on 03.01.2019 to 23.01.2019 the petitioner did not appear, whatever may be the reason. A second chance was granted on 09.02.2019. He did not avail the second chance also. I find that counselling was done in the two occasions in which the petitioner did not appear. Now, it is the submission of the Staff Selection Commission that the counselling process is already over and there will be no further counselling. Since, a decision has been taken that there will be no further counselling, this Court cannot grant any relief to the petitioner. Further, the case of similarly situated candidate namely Basanti Kerketta (though in respect of different subject) has already been rejected by this Court. Thus, I find that no relief can be granted to the petitioner.

4. It is made clear that if in future, for the same advertisement, the respondents decide to conduct any counselling, the case of the petitioner should be considered and he should be given opportunity to appear in the counselling.

5. With the aforesaid observation and direction, this writ application stands dismissed.

(Ananda Sen, J.)