

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 4362 of 2022

(Bhagaban Mahato Vs. the State of Jharkhand & Ors.)

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner : Mr. S.B. Gupta, Advocate

For the Resp. : Ms. Pinky Tiwary, AC to AG

05/ 17.07.2023 It has been submitted by learned counsel for the petitioner that in view of order and direction of this Court, an advertisement being Advt. No. 1/2022, was floated by the respondents for appointment of Chowkidars in the district of Jamshedpur and last date for filling-up the application form was 30.09.2022.

2. It is the specific case of the petitioner that in pursuant to the said advertisement, he filled-up the application form and duly submitted the same before the respondents, as per the requirement. He has also annexed form as Annexure-9 to supplementary affidavit.

3. From perusal of Annexure-9 it appears that he has filled the application form on 26.09.2022 and submitted it before the respondents on the very same day.

4. The stand taken in the counter-affidavit is that petitioner had not submitted the application form and further it has also been mentioned that petitioner did not fulfill the requisite qualification.

5. Let a specific affidavit be filed by the respondents replying the following queries of the Court:

- I) Whether application of the petitioner was considered and rejected on the ground that he did not possess the requisite qualification?
- II) Whether his matriculation certificate was at all considered? And
- III) Whether the said matriculation certificate has been procured prior to the date of advertisement or after the cut-off date fixed by the respondents?

6. Further, the petitioner places reliance on the judgment rendered by this Court in W.P.(S). No. 960 of 2016 (Salan Champia &

Ors. Vs. the State of Jharkhand & Ors.) and other analogous cases and vide order dated 23.07.2018, taking into consideration the celebrated judgment of Hon'ble Apex Court, passed in case of **Surendra Paswan & Ors. Vs. State of Bihar & Ors.**, reported in (2010) 6 SCC 680, a specific direction was given to the respondent-State to come out with advertisement for appointment to the post of Chowkidars, giving age relaxation and comply the observations given in the said case.

7. However, this Court finds that only for the district of East Singhbhum, Jamshedpur, advertisement has been floated by the respondents.

8. On many occasions, it has been found that several writ petitions have been filed for appointment to the post of Chowkidars and also for regularization. And this Court time and again has given direction to come out with fresh advertisement for the post of Chowkidars since regularization was not possible in view of various judgment of Hon'ble Apex Court more particularly order passed in case of **Surendra Paswan & Ors. Vs. State of Jharkhand & Ors. (supra)** and also because no regular appointment to the post of Chowkidar has been made for last several years. From the averments made in the writ petition and from the counter-affidavit, it appears that said exercise has not yet been carried-out by the State.

9. Let an affidavit be filed by the Home Secretary, Govt. of Jharkhand stating therein that what steps have been taken by the respondents for floating the advertisement for appointment of Chowkidars in entire State of Jharkhand.

10. List this case on 30.08.2023.

11. Let a copy of this order be sent to the Home Secretary through the Office of learned Advocate General.

(Dr. S. N. Pathak, J.)