

IN THE HIGH COURT OF JHARKHAND AT RANCHI
WP(S) No. 7148 of 2012

Abhishek Kumar and others Petitioners
-Versus-
Union of India and ors. Respondents

CORAM : HON'BLE MR. JUSTICE APARESH KUMAR SINGH

For the Petitioner :M/s. S.N. Prasad and S. Shekhar
For the Respondents :J.C. to ASGI.

6- 16.9.2013 Learned counsel for the petitioners is permitted to implead Ministry of Home Affairs through the Secretary as respondent no. 5 by carrying out necessary correction in the main writ petition in red ink during course of the day.

Heard learned counsel for the parties.

The petitioners herein have approached this Court to direct the respondents to appoint them on the post of Constable (Ground Duty) in terms of advertisement pursuant to which an examination was conducted on 5.6.2011 at different centres by respondent no. 2, Staff Selection Commission (Eastern Region), Department of Personnel and Training, Government of India for recruitment in the Central Police Organization. According to the petitioners, they had qualified in the physical efficiency test and had appeared in the written examination but had been declared unfit by the Medical Board on Medical Examination.

However, it is submitted on behalf of the petitioners, on the basis of statements made in the counter affidavit filed on behalf of the respondents, that except petitioner no.5, Kadamboti Kumari, rests of the petitioners, who were declared unfit, preferred an appeal and were called for Review Medical Examination, where they were declared fit in the Review Medical Examination. Their names, however, could not find place in the list of candidates selected after the review medical examination, as per the scheme of examination. The final result has been published on 18.11.2011 in consultation with the Ministry of Home Affairs and it was decided that allocation to various CPOs be

done as per merit cum option of the candidates subject to availability of vacancies in the State/Union Territory concerned and category wise reservation.

It is further submitted by the counsel for the parties that the petitioner no.5 being a scheduled tribe candidate, has applied from the State of Jharkhand and was declared fit in the detailed medical examination. She had obtained 46 marks in the written examination. However, marks obtained by the last selected scheduled tribe female candidate belonging to Jharkhand State for BSE, CISE, CRPF were 55, 54 and 51 respectively and no vacancy was reported for female candidate in Service Selection Board. Therefore, the name of petitioner no.5 Kadamboti Kumari did not figure in the list of successful candidates declared on 18.11.2011.

It is submitted by the petitioners that the respondents at para 7 of their affidavit have stated that Commission has prepared the revised merit list which has been sent to the Ministry of Home Affairs vide letter dated 15.4.2013 for further needful action at their end. Learned counsel for the petitioners submits that in the wake of such statements made in the counter affidavit filed on behalf of the Commission the respondents should be directed to take appropriate decision in the matter of appointment of these petitioners within a fixed time frame.

Learned counsel for the respondent-Union of India in the wake of such statements made in the counter affidavit, does not object to such a request.

Having heard learned counsel for the parties and gone through the statements made in the counter affidavit filed on behalf of the respondents, it appears that except petitioner no.5, who has been declared unsuccessful for having lesser marks than the other scheduled tribe female candidates belonging to the State of Jharkhand,

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rests of the petitioners have been declared fit in the review medical examination on their appeal. Revised merit list was prepared by the Commission and has been sent to the Ministry of Home Affairs vide letter dated 15.4.2013 for further needful action .

In such a situation, this writ petition is disposed of by directing the competent authority in the Ministry of Home Affairs, Government of India to take an appropriate decision in this regard within a period of 12 weeks from the date of receipt of a copy of this order.

This writ petition stands disposed of with the aforesaid observation and direction.

(Aparesh Kumar Singh, J.)

Pandey

