

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.452 of 2024

1. Tuntun Kumar

2. Amar Kumar Yadav

3. Md. Aslam Perwez

4. Md. Sajid Ali Akhtar

5. Md. Alamgir

6. Kunal Kumar

7. Anuj Kumar

8. Sulochna Kumari

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Petitioners

-Versus-

1. The State of Jharkhand

2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa. P.S. Jagganathpur, Ranchi

3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand

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, Garhwa

18. The Deputy Commissioner, Palamau

19. The Deputy Commissioner, Latehar

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Respondents

With

W.P.(S) No.509 of 2024

1. Endra Narayan Yadav

2. Binod Kumar Mandal

3. Md. Ahmad Raja

4. Ranjeet Kumar

5. Panchanan Yadav

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Petitioners

-Versus-

1. The State of Jharkhand

2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa. P.S. Jagganathpur, Ranchi

3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa P.S. Jagganathpur, 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.514 of 2024

1. Vikash Chandra Pandey
 2. Narayan Verma
 3. Bhikari Singh
 4. Surendra Kumar Roy
 5. Prabhu Nath Sharma
- **Petitioners**

-Versus-

1. The State of Jharkhand
 2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa. P.S. Jagganathpur, Ranchi
 3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa P.S. Jagganathpur, 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.522 of 2024

1. Om Prakash Sah
 2. Tara Pad Sah
 3. Birchandra Mandal
 4. Jitendra Nath Mandal
 5. Rajesh Kumar Sah
 6. Jinnar Hussain
 7. Bibek Das
- **Petitioners**

-Versus-

1. The State of Jharkhand through the Principal Secretary School Education and Literacy Department, Government of Jharkhand, Ranchi
2. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Govt. of Jharkhand, Ranchi
3. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Ranchi
4. The District Superintendent of Education, Ranchi
5. The Deputy Commissioner-cum-Chairman, District Education Established Committee, East Singhbhum
6. The District Superintendent of Education, East Singhbhum

7. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dhanbad
8. The District Superintendent of Education, Dhanbad
9. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Chatra
10. The District Superintendent of Education, Chatra
11. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Sahebganj
12. The District Superintendent of Education, Sahebganj
13. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Giridih
14. The District Superintendent of Education, Giridih
15. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Pakur
16. The District Superintendent of Education, Pakur
17. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Godda
18. The District Superintendent of Education, Godda
19. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Jamtara
20. The District Superintendent of Education, Jamtara
21. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Bokaro
22. The District Superintendent of Education, Bokaro
23. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dumka
24. The District Superintendent of Education, Dumka
25. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Seraikella
26. The District Superintendent of Education, Seraikella
27. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Deoghar
28. The District Superintendent of Education, Deoghar Respondents

With

W.P.(S) No.599 of 2024

1. Lalmani Singh
2. Shashi Kishore
3. Sunil Yadav

.... **Petitioners**

-Versus-

1. The State of Jharkhand through the Principal Secretary School Education and Literacy Department, Government of Jharkhand, Ranchi
2. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Govt. of Jharkhand, Ranchi
3. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Hazaribagh
4. The District Superintendent of Education, Hazaribagh
5. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Koderma
6. The District Superintendent of Education, Koderma
7. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dhanbad
8. The District Superintendent of Education, Dhanbad
9. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Chatra
10. The District Superintendent of Education, Chatra

11. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Sahebganj
12. The District Superintendent of Education, Sahebganj
13. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Giridih
14. The District Superintendent of Education, Giridih
15. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Pakur
16. The District Superintendent of Education, Pakur
17. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Godda
18. The District Superintendent of Education, Godda
19. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Jamtara
20. The District Superintendent of Education, Jamtara
21. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Bokaro
22. The District Superintendent of Education, Bokaro
23. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dumka
24. The District Superintendent of Education, Dumka
25. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Deoghar
26. The District Superintendent of Education, Deoghar
27. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Ramgarh
28. The District Superintendent of Education, Ramgarh

.... Respondents

With
W.P.(S) No.684 of 2024

1. Sunita Kumari
2. Shobha Kumari

.... Petitioners

-Versus-

1. The State of Jharkhand through the Principal Secretary School Education and Literacy Department, Government of Jharkhand, Ranchi
2. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Govt. of Jharkhand, Ranchi
3. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dhanbad
4. The District Superintendent of Education, Dhanbad
5. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Chatra
6. The District Superintendent of Education, Chatra
7. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Sahebganj
8. The District Superintendent of Education, Sahebganj
9. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Giridih
10. The District Superintendent of Education, Giridih
11. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Pakur
12. The District Superintendent of Education, Pakur
13. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Godda
14. The District Superintendent of Education, Godda

15. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Jamtara
16. The District Superintendent of Education, Jamtara
17. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Bokaro
18. The District Superintendent of Education, Bokaro
19. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dumka
20. The District Superintendent of Education, Dumka
21. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Deoghar
22. The District Superintendent of Education, Deoghar
23. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Hazaribagh
24. The District Superintendent of Education, Hazaribagh
25. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Koderma
26. The District Superintendent of Education, Koderma
27. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Ramgarh
28. The District Superintendent of Education, Ramgarh **Respondents**

With

W.P.(S) No.764 of 2024

1. Paras Kumar Sahu
2. Shambhu Nath Deoghariya **Petitioners**

-Versus-

1. The State of Jharkhand
2. The Secretary, Human Resources Development Department, Govt. of Jharkhand, Ranchi
3. The Principal Secretary, Department of Personnel, Rajbhasa and Administrative Reforms, Govt. of Jharkhand, Project Bhawan, P.O. & P.S. Dhurwa, Ranchi.
4. The Principal Secretary, Human Resources Development Department, Government of Jharkhand, Ranchi
5. The Director, Primary Education, Human Resources Development Department, Government of Jharkhand, Ranchi
6. The Deputy Commissioner, Dhanbad
7. The District Superintendent of Education, Dhanbad
8. The Deputy Commissioner, Bokaro
9. The District Superintendent Education, Bokaro
10. The Deputy Commissioner, Chatra
11. The District Superintendent Education, Chatra
12. The Deputy Commissioner, Ramgarh
13. The District Superintendent Education, Ramgarh
14. The Deputy Commissioner, Hazaribagh
15. The District Superintendent Education, Hazaribagh
16. The Deputy Commissioner, Ranchi
17. The District Superintendent Education, Ranchi
18. The Deputy Commissioner, Khunti
19. The District Superintendent Education, Khunti
20. The Deputy Commissioner, Gumla
21. The District Superintendent Education, Gumla
22. The Deputy Commissioner, Gharwa
23. The District Superintendent Education, Gharwa
24. The Deputy Commissioner, Simdega
25. The District Superintendent Education, Simdega
26. The Deputy Commissioner, Lohardaga

27. The District Superintendent Education, Lohardaga
28. The Deputy Commissioner, Palamau
29. The District Superintendent Education, Palamau
30. The Deputy Commissioner, Latehar
31. The District Superintendent Education, Latehar Respondents

With
W.P.(S) No.775 of 2024

1. Jodhan Saw
2. Raju Yadav
3. Narayan Vishwakarma
4. Ashok Dhobi
5. Basant Kumar Rana
6. Dineshwar Yadav
7. Santosh Kumar
8. Premchand Thakur
9. Prabhash Kumar Bhagat
10. Chandan Kumar Tinku Petitioners

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa. P.S. Jagganathpur, Ranchi
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa P.S. Jagganathpur, 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.508 of 2024

1. Tajuddin Shaikh
2. Md. Sahir Hossain Petitioners

-Versus-

1. The State of Jharkhand through the Principal Secretary School Education and Literacy Department, Government of Jharkhand, Ranchi
2. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Govt. of Jharkhand, Ranchi
3. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Ranchi
4. The District Superintendent of Education, Ranchi
5. The Deputy Commissioner-cum-Chairman, District Education Established Committee, East Singhbhum
6. The District Superintendent of Education, East Singhbhum

7. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dhanbad
8. The District Superintendent of Education, Dhanbad
9. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Sahebganj
10. The District Superintendent of Education, Sahebganj
11. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Pakur
12. The District Superintendent of Education, Pakur
13. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Jamtara
14. The District Superintendent of Education, Jamtara
15. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Bokaro
16. The District Superintendent of Education, Bokaro
17. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dumka
18. The District Superintendent of Education, Dumka
19. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Seraikella
20. The District Superintendent of Education, Seraikella **Respondents**

With

W.P.(S) No.665 of 2024

1. Kalyan Saha
2. Rajkishor Saha
3. Laxman Prasad Gupta
4. Sourabh Kumar **Petitioners**

-Versus-

1. The State of Jharkhand through the Principal Secretary School Education and Literacy Department, Government of Jharkhand, Ranchi
2. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Govt. of Jharkhand, Ranchi
3. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Hazaribagh
4. The District Superintendent of Education, Hazaribagh
5. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Koderma
6. The District Superintendent of Education, Koderma
7. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dhanbad
8. The District Superintendent of Education, Dhanbad
9. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Chatra
10. The District Superintendent of Education, Chatra
11. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Sahebganj
12. The District Superintendent of Education, Sahebganj
13. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Giridih
14. The District Superintendent of Education, Giridih
15. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Pakur
16. The District Superintendent of Education, Pakur
17. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Godda

18. The District Superintendent of Education, Godda
19. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Jamtara
20. The District Superintendent of Education, Jamtara
21. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Bokaro
22. The District Superintendent of Education, Bokaro
23. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Dumka
24. The District Superintendent of Education, Dumka
25. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Deoghar
26. The District Superintendent of Education, Deoghar
27. The Deputy Commissioner-cum-Chairman, District Education Established Committee, Ramgarh
28. The District Superintendent of Education, Ramgarh Respondents

With
W.P.(S) No.755 of 2024

1. Subhash Chandra Das
2. Md. Shahabuddin
3. Sujit Kumar
4. Uttam Kumar Kishore
5. Prawez Alam
6. Mahabir Prasad Yadav
7. Binod Prasad Yadav
8. Narsingh Poddar
9. Md. Paigam Ansari Petitioners

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa. P.S. Jagganathpur, Ranchi
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa P.S. Jagganathpur, 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.785 of 2024

1. Zeyaul Hasan
2. Abdus Salam
3. Soumitra Kumar Pal
4. Utpal Chandra

5. Subrata Kumar Shaw
 6. Ajay Kumar Namta
 7. Naba Kishor Mahato
 8. Subhash Chandra Mahato
 9. Shoubhik Kumar Mahato
- **Petitioners**

-Versus-

1. The State of Jharkhand
 2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa. P.S. Jagganathpur, Ranchi
 3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, P.O. Dhurwa P.S. Jagganathpur, Ranchi
 4. The Deputy Commissioner, Ranchi
 5. The Deputy Commissioner, East Singhbhum
 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.733 of 2024

1. Rajesh Kumar
 2. Mukesh Kumar Mandal
 3. Manoj Kumar
 4. Manoranjan Samant
 5. Biman Kumar Sahani
 6. Kanak Kumar Singh
 7. Ashish Kumar Gupta
 8. Prakash Panjiyara
 9. Binod Panjiyara
 10. Rajeev Ranjan
- **Petitioners**

-Versus-

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, Project Building P.O & P.S. Dhurwa, Ranchi
2. The Secretary, School Education and Literacy Department, Government of Jharkhand, Ranchi
3. The Director, Primary Education, School Education and Literacy Department, Government of Jharkhand, P.O. & P.S. Dhurwa Ranchi
4. The District Superintendent of Education, Chatra
5. The District Superintendent of Education, Hazaribagh
6. The District Superintendent of Education, Ramgarh
7. The District Superintendent of Education, Koderma
8. The District Superintendent of Education, Giridih
9. The District Superintendent of Education, Bokaro
10. The District Superintendent of Education, Dhanbad
11. The District Superintendent of Education, Dumka
12. The District Superintendent of Education, Deoghar
13. The District Superintendent of Education, Jamtara
14. The District Superintendent of Education, Godda
15. The District Superintendent of Education, Sahibganj
16. The District Superintendent of Education, Pakur

17. The District Superintendent of Education, Ranchi
18. The District Superintendent of Education, East Singhbhum, Jamshedpur
19. The District Superintendent of Education, Saraikela-Kharsawan

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioners : M/s, Sarita Gupta, Abhijeet Kumar, Baleshwar Yadav, Shubham Mishra, Tapan Kumar Mishra, Rajesh Bhushan, Kumar Pawan, Advocates

For the State : M/s. Rakesh Kumar Shahi, Vishnu Prabhakar Pathak (A.C to S.C.V), Ranjan Kumar (A.C to Sr. S.C.I), Shilipi (A.C to S.C. (Mines-II), Divyam (A.C to S.C.IV), Jayant Franklin Toppo,(G.A.V), Krishna Kumar Bhatt (A.C to S.C.I)

03/Dated: 20th February, 2024

1. Defects, as pointed out by the office, are ignored.
2. Heard learned counsel for the petitioners and learned counsel for the respondents.
3. The order dated 05.02.2024 passed in W.P.(S) No. 189 of 2024 along with analogous cases read as under:

“1. Heard the parties.

2. It has been submitted by the learned counsel for the petitioners that the issues involved in the present writ petition has already been considered and decided vide order dated 15.09.2023 passed in L.P.A. No. 203 of 2022 and other analogous cases. It is a general direction in which the State is directed to act upon the entire matter of similar nature.

3. The direction issued by the L.P.A. Court in paragraph No. 57 reads as under:

“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.”

4. It appears that it has been followed by the Co-ordinate Bench and about 100 orders have been passed giving similar benefits to one and others writ petitioners. Thus, now it is required that similar treatment should be extended to all the similarly situated candidates otherwise, it will be violation of Article 14 of the Constitution of India.

5. In view of the above discussions, the State is directed to file specific counter affidavit disclosing his intention and the direction taken by him.

6. It has been informed that the counselling is to be started by 10th of February, 2024.

7. Hence, put up this matter on 8th February, 2024 along with W.P.(S) No. 200 of 2024, W.P.(S) No. 206 of 2024, W.P.(S) No. 239 of 2024, W.P.(S) No. 366 of 2024, W.P.(S) No. 394 of 2024, W.P.(S) No. 450 of 2024, W.P.(S) No. 463 of 2024 and W.P.(S) No. 478 of 2024."

4. Since the common issues are involved in the present cases, all the writ petitions are taken up together.

5. It appears that a selection process has been initiated in the year 2015-2016 for appointment on post of Assistant Teachers. The process of selection has been completed. In the meantime, some petitions have been filed in the Court stating that the persons with less marks have been appointed while the persons having higher marks have been left out.

6. These matters have been considered by the L.P.A. Court and final order dated 15.09.2023 has been passed in L.P.A. No. 203 of 2022 and other analogous cases by which order has been passed for re-counselling for those candidates, who have obtained more marks, but that prayer has been confined to the writ petitioners only. It appears that along with the said L.P.As there was a writ petition also and the same benefit was given to that writ petitioner also.

7. It further appears that thereafter several cases have been filed in this High Court and the benefit given by the L.P.A. Court has been extended to those candidates, who have approached the High Court. Latest order dated 31.01.2024 with direction has been passed in L.P.A. No. 510 of 2023 and analogous cases as contained in para-33 of the said order which is quoted herein below:

“33. Since it was the specific case of the writ petitioners that they were never called for counseling and that candidates securing less marks than the writ 13 petitioners were called for counseling and were selected, it would be important to issue the following clarifications / directions in consonance with the specific stand of the various writ petitioners in the batch of cases involved in the impugned order though this Court is not inclined to differ with the findings and directions issued vide order dated 15.09.2023 passed in L.P.A. No. 203 of 2022:-

(a) Only those candidates are to be called for counseling who have never been called for counseling earlier in one or the other district irrespective of the fact as to whether they had participated in the counseling or not.

(b) To enable the candidate to participate in the fresh counseling the concerned respondent shall verify whether a candidate below in the merit list in the concerned district has been ultimately selected irrespective of the fact as to whether such a

candidate had joined or not. If that be so, then only such candidate be permitted to appear in the fresh counseling.

(c) There should be one counseling to be conducted simultaneously in all the districts as was directed by this Court in W.P. (S) No. 19 of 2016 and other analogous cases which has been upheld in L.P.A. No. 168 of 2017.”

8. Thus, it appears that earlier the Court has taken view that a person with the more marks has to be given an opportunity by one time counseling, but this was restricted to the writ petitioners only, but subsequently, vide order dated 31.01.2024 passed in L.P.A. No. 510 of 2023 and analogous cases, the same has been enlarged to all the candidates who are similarly situated. It is not a case of the State that they are not following the one and other orders passed by the Hon’ble Court. To maintain the consistency in the judicial proceeding, it is mandated to the respondents to give same benefits to the present writ petitioners also.

9. With the above observations and directions to the respondents, all the present writ petitions stands allowed.

(Rajesh Kumar, J.)

*Raja/-
Uploaded*