2025:JHHC:37672

IN THE HIGH COURT OF JHARKHAND AT RANCHI

WP(S) No.7350 of 2025

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1. Rukhsar Parween, aged about 34 years, Wife of Ezaz Ahmad Ansari, Resident of Kute, Near Jama Masjid, P.O-Sanari, P.S.-Sikidri, District-Ranchi, Jharkhand.
2. Saba Naaz, Aged about-39 years, Wife of - Sohail Ahmad, Residence-Near Nirmala College, Parastoli, P.O. & P.S.-Doranda, District-Ranchi.
3. Talat Perween, aged about 40 Years, daughter of Md. Kafil, Resident of Hussain Nagar, School Road, Purani Ranchi, P.O.-G.P.O, P.S.-Sukhdeo Nagar, District-Ranchi, Jharkhand.

… Petitioner(s).

Versus

1. The State of Jharkhand.
2. The Principal Secretary, School Education and Literacy Department, Government of Jharkhand, Having its office at Project Building, Dhurwa, P.O.-Dhurwa, P.S.-Jagarnnathpur, Dist- Ranchi.
3. The Principal Secretary, Personal Administrative Reforms and Raj Bhasha Department, Govt. of Jharkhand, Having its office at Project Building, Dhurwa, P.O.- Dhurwa, P.S.-Jagarnnathpur, Dist- Ranchi
4. The Director, Secondary Education, Government of Jharkhand, Having its office at Project Building, Dhurwa, P.O.-Dhurwa, P.S.- Jagarnnathpur, Dist- Ranchi
5. The Chairman, Jharkhand Staff Selection Commission, Ranchi, Having its office at Project Building, Dhurwa, P.O. Dhurwa, P.S.- Jagarnnathpur, Dist- Ranchi
6. The Secretary, Jharkhand Staff Selection Commission, Ranchi, Having its office at Project Building, Dhurwa, P.O. Dhurwa, P.S.- Jagarnnathpur, Dist- Ranchi
7. The Examination Controller, Jharkhand Staff Selection Commission, Ranchi, Having its office at Project Building, Dhurwa, P.O. Dhurwa, P.S.-Jagarnnathpur, Dist-Ranchi

… Respondent(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Abhijeet Kr. Singh, Advocate
Mr. Harsh Chandra, Advocate
Mr. Shashank Kumar, Advocate

For the JSSC : Mr. Sanjoy Piprawall, Advocate
Mr. Rakesh Ranjan, Advocate
Mr. Prince Kumar, Advocate
Mr. Jay Prakash, Advocate
Mr. Tejo Mistry, Advocate

…….

02 /15.12.2025: Heard, learned counsel appearing on behalf of the petitioners, learned counsels appearing on behalf of the State and learned counsels appearing on behalf of the JSSC.

2. The issue involved and sought to be raised in this writ petition has already been decided by Hon'ble Coordinate Single Bench of this Court in ***W.P.(S) No. 582 of 2023 (Mina Kumari Vs. The State of Jharkhand & Others along with Analogous Cases)*** vide order dated 01.09.2025, wherein following directions have been given, which are quoted herein below:-

> *"51. Accordingly, to maintain institutional integrity and ensure an impartial enquiry a one-man commission headed by a former judge of this Court is being constituted. Hon'ble Dr. Justice S.N. Pathak (Retd.) is appointed as a One-Man Fact-Finding Commission to look into the matter of irregularities and illegalities, if any, committed in the matter of preparation and publication of the revised merit list pursuant to the judgment and orders passed by the Hon'ble Apex Court in the matters referred to above. The One-Man Fact-Finding Commission is requested to make an enquiry and report, inter alia, on the following issues:*
>
> *I. Whether the respondent JSSC has at all prepared the revised merit list and other merit lists as per the judgment and orders of the Hon'ble Apex Court before making appointments after the judgment dated 02.08.2022?*
>
> *II. Who are and how many numbers of 'already appointed and protected candidates' having lesser marks than the marks obtained by the petitioners have been accommodated and whether their actual dates of appointment and joining is prior to and as per the judgment dated 02.08.2022 passed by the Hon'ble Apex Court or not ?*
>
> *III. Who are and how many numbers of 'original writ petitioners' as indicated in the judgment of the Hon'ble Apex Court having lesser marks than the petitioners in their respective subjects have been appointed by the respondents and whether they deserve to be included in the said category ?*
>
> *IV. Whether the vacancies indicated to be occupied by the absentees or non-joining candidates in the year 2019 which is large in number and not surrendered have been actually filled up by the respondents by less meritorious candidates?*
>
> *V. Further it shall also be required to be verified as to, whether the candidates whose candidature was rejected on valid reasons have been later on favoured with appointments and the candidates who have lesser*

marks than the petitioners have actually been appointed prior to the judgment of the Hon'ble Apex Court or after 02.08.2022 ?

VI. Any other aspect / issue which the One-Man Fact-Finding Commission may think fit and proper.

52. In view of the above, the One-Man Fact-Finding Commission is requested to make an enquiry into the aspects referred to in Paragraph No.50 of this Judgment within a period of three months from the date of receipt of this Judgment and submit its report to the State Government, which may be placed before the Hon'ble Council of Ministers for taking an informed decision on the report and recommendations of the One-Man Fact-Finding Commission. The Final decision of the State Government must be taken within 6 weeks from the date of submission of the report by the One-Man Fact-Finding Commission.

53. This Court further directs that the State Government shall take final decision on the above referred report and the issue involved as indicated herein below:

(i) How to appoint/adjust the genuine candidates?

(ii) To take appropriate actions to remove the non-eligible candidates;

(iii) To take action against erring officials / staffs of the concerned Department/JSSC; both departmentally and/or criminally.

54. The One-Man Fact-Finding Commission is free to devise the mechanism and procedure for making the enquiry as directed by this Court and it shall be free to consider issuing a general notice inviting objections/representations from the writ petitioners only and after hearing all the concerned may prepare the report so that the orders passed by the Hon'ble Apex Court are complied with in its letters and spirit.

It is further clarified that the One-Man Fact Finding Commission would be empowered to summon any person/(s) /Official/(s) of the Respondents and/or call for any documents in original from them for proper enquiry as aforesaid.

55. It is worth mentioning here that the Learned Advocate General has, during course of his arguments, made a proposal that the Petitioners may approach the Secretary of the JSSC raising their individual claims and their grievances can be redressed at that level subject to the available vacancies. Though this Court appreciates the

proposal made by Ld. A.G.; however, in the attending facts and circumstances, this Court is declining to accept such proposal of sending the Petitioners to JSSC itself for the purpose of enquiry into the issues mentioned in Paragraph 50 of this Judgment, for which purpose a One-Man Fact Finding Commission is being appointed and the Petitioners would be at liberty to place their claims in the form of Representations and supporting documents before the One Man Fact-Finding Commission, as already observed earlier.

56. This Court also directs that the already appointed candidates shall not be disturbed until final outcome of the enquiry and if any appointment or appointments are found to be wrongful or in breach of the directions of the Hon'ble Apex Court; the concerned candidate will be afforded due opportunity before any final action is taken with respect to their services.

57. The State Government is directed to make all necessary arrangements to effective functioning of the One-Man Fact-Finding Commission including providing of Secretarial Staff and other support staff. The State Government must ensure that the sittings of the Commission are held at a venue that the One-Man Commission may decide. The One-Man Fact-Finding Commission must be paid a sum of Rs. 6,00,000/- (Rupees Six Lakh Only) as renumeration. The same must be paid within three equated monthly instalments.

58. Inspite of the above controversies and issues which may be enquired into by the One-Man Fact-Finding Commission; yet another important aspect which requires consideration/determination, inasmuch as, if as against the total advertised vacancies i.e. 17784; the Respondents have appointed only 12046 candidates and 3704 vacancies are claimed to have been surrendered on account of non-availability of S.C. & S.T. candidates; then the remaining 2034 vacancies needs to be offered to the eligible Petitioners strictly on the basis of their respective merits. In other words, there are good number of vacancies which have not being filled up at all. Thus, the Respondents are also directed to fill-up the remaining 2034 vacancies within a period of six months and the Petitioners would be at liberty to approach the Respondent JSSC/Secretary by way of filing their detailed representation within a period eight weeks from the date of this Judgment and upon receipt of such representation/(s); the JSSC shall make due recommendation to the concerned department for the needful after thorough verification. It is made clear that the aforesaid direction shall only be applicable w.e.f. the remaining vacancies i.e. 2034.

59. Further, the vacancies which may be carved out on the basis of the One-Man Fact-Finding Commission Report and the informed decision of the State Government, shall be offered to the other deserving candidates in due course.

60. Registry is directed to send the copy this order to the Hon'ble Mr. Justice S. N. Pathak (Retd.). Copy of this order shall also be handed over to the Ld. Advocate General & Mr. Sanjoy Piprewal for onward transmission to all the concerned authorities.

61. Before parting, it is pertinent to observe that after every examination for selection by JSSC or JPSC, this Court is flooded with the writ petitions complaining about non-consideration or rejection or non-discloser of marks of selected or non-selected candidates and thereby violation of Article 14 & 16 of the Constitution.

> *Often this Court has to call for original records to verify the facts and claims of the candidates, which becomes clumsy and time taking; thus, this Court proposes the State Government to constitute an authority within JPSC/JSSC as a "Fact-Finding Body" to receive the grievances of the candidates and pass reasoned and speaking orders based on the verification of the original records which are maintained by these organisations. This authority, if constituted, shall act as a primary fact-finding authority to give its view only on the factual claims of the candidates; which will naturally filter out the genuine claims and it would also lessen the burden of this Court."*

3. The parties submit that this case is similar to "***Mina Kumari's" (supra)*** case.

4. Learned counsel for the State and the JSSC submit that they have already challenged the aforesaid order in Letters Patent Appeal being L.P.A. No.764 of 2025, titled as ***"The Chairman, JPSC & Others Vs. Mina Kumari & Others".***

5. Considering the fact that since the issue has already been decided by the Hon'ble Coordinate Bench of this Court in the case of "***Mina Kumari"*** *(supra)* vide order dated 01.09.2025, wherein some directions have been issued and this Court in similar batch of writ petitions i.e. **W.P.(S) No. 5040 of 2025 (Avishek Kumar Gupta Vs. The State of Jharkhand & Ors.) and other Analogues cases**, while taking into consideration the order passed in the case of "**Mina Kumari"** (supra), disposed of the said writ petitions in terms of the order passed in the case of "**Mina Kumari"** (supra), and admittedly this case is covered by the said order, I am disposing of this writ petition in terms of the final order passed by the Hon'ble Coordinate Single Bench of this Court in ***W.P.(S) No. 582 of 2023 (Mina Kumari & Others Vs. The State of Jharkhand & Others along with Analogous Cases)***.

6. The order passed by the Hon'ble Coordinate Bench of this Court will be made applicable in this case also.

7. Be it noted that if in the Letters Patent Appeal preferred thereagainst, any order is passed or direction is given, the same will also be applicable in this writ petition.

8. With the aforesaid observations, this writ petition stands **disposed of**.

9. Pending interlocutory application, if any, also stands disposed of.

(ANANDA SEN, J.)

15.12.2025
Tanuj/CP-2

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