IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 5580 of 2025

Rajesh Kumar s/o Atwari Prasad Yadav, aged about 28 years, r/o Village-Mohnodih, PO- Jaruadih, PS- Jamua, Dist- Giridih, Jharkhand – 815318. ....**Petitioner**

Versus

1. The State of Jharkhand through the Chief Secretary, Project Building, Dhurwa, Ranchi - 834004, PO+ PS Dhurwa
2. The Principal Secretary, Department of Higher and Technical Education, Government of Jharkhand, Nepal House, Doranda, Ranchi, Jharkhand - 834002 PO+ PS- Doranda.
3. The Jharkhand Public Service Commission (JPSC), through its Secretary, Circular Road, PO+PS - Lalpur, Ranchi-834001

....**Respondents**

With

W.P.(S) No. 6589 of 2025

Gulshan Kumar s/o Meghnath Prasad, aged about 28 years, r/o Village-Kariyatpur, PO- Kariyatpur, PS- Ichak, Dist- Hazaribagh, Jharkhand 825402. ....**Petitioner**

Versus

1. The State of Jharkhand through the Chief Secretary, Project Building, Dhurwa, PO+PS - Dhurwa, Ranchi -834004

2. Department of Higher and Technical Education through its Principal Secretary, Government of Jharkhand, Nepal House, Doranda, Ranchi, PO+PS - Doranda, Jharkhand-834002
3. The Jharkhand Public Service Commission (JPSC), through its Secretary, Circular Road, PO+PS - Lalpur, Ranchi-834001

....**Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Atulaya Shresth, Advocate
For the Resp.-JPSC : Mr. Sanjoy Piparwall, Advocate
Mr. Prince Kumar, Advocate
(in W.P.(S) No. 5580 of 2025)
Mr. Vidya Shankar, Advocate
(in W.P.(S) No. 6589 of 2025)
For the Resp.-State : Mr. Sonal Tiwary, A.C. to A.G.
Mr. Shreyashi Shekhar, A.C. to A.G

C.A.V. ON: 18.04.2026 **PRONOUNCED ON:01/05/2026**

1. Heard learned counsel for the parties.

2. Since both these writ applications involve common issue, both were heard together and being disposed of by this common order.

3. The writ petitions have been filed praying before this Court for direction to the Respondent No. 2 for inclusion of the discipline of *Library and Information Science*[1] *and Physical Education and Sports*[2] respectively in Jharkhand Eligibility Test[3] 2024, as currently LIS and PES postgraduates are denied entry into the eligibility pool for consideration against sanctioned posts of Librarian/Assistant Librarian and Assistant Director of Physical Education and Sports respectively in the State.

4. The factual matrix of the case is that the petitioner in WP(S) No. 5580 of 2025 is a post graduate in LIS; whereas the petitioner in WP(S) No. 6589 of 2025 is a post graduate in PES. The grievance of the petitioners arises from the non-inclusion of the said subjects in the JET 2024 notified through Advertisement No. 08/2025 dated 09.09.2025 issued by the Respondent No. 3. A representation dated 11.09.2025 was also submitted by one of the petitioners before the office of Respondent No. 2; however, the grievance has not been redressed yet. Hence, these writ applications.

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[1] hereinafter referred to as LIS
[2] hereinafter referred to as PES
[3] hereinafter referred to as JET

5. Learned counsel for the petitioners submitted that in the case of LIS, though sanctioned posts of Assistant Professors do not exist but that of Librarians and Assistant Librarians; admittedly exist and remain overwhelmingly vacant, as revealed through RTI data. Similarly, there are sanctioned entry level posts requiring a minimum qualification of Masters in PES with NET/JET. He has also submitted that exclusion of LIS and PES from JET, therefore, deprives the petitioners and similarly placed postgraduates from even entering the eligibility pool, while candidates of other disciplines enjoy access through both JET and NET[4].

6. Learned counsel further submitted that respondents' stand that LIS cannot be included solely because Assistant Professor posts are not sanctioned is misconceived, particularly when sanctioned posts of Librarians and Assistant Librarians do exist in the State and are increasing every year and notably have been vacant for years.

7. *Per contra*, learned counsel for the Respondents submitted that the mandate of JET 2024 has two folds, first one is with regard to recruitment of Assistant Professors on sanctioned posts in the teaching department in the state universities and colleges, and the second one is for admission

[4] National Eligibility Test

to the Ph.D. programmes, but currently; neither is there any regular Department of Library and Information Sciences, nor any Department of Physical Education and Sciences in state universities of Jharkhand, as such, presently no university offers a Ph.D. programme in the said disciplines, and thus, no recruitment to such teaching posts arises at this stage in absence of such departmental and academic structures.

8. Ld. Counsel for the State further submitted that though the petitioners have contended that there are sanctioned posts with respect to LIS; however, the posts of Library Assistant and University Assistant Librarian are distinct and separate in nature, inasmuch as, the post of University Assistant Librarian requires a Master's Degree along with NET/JET, whereas the post of Library Assistant is an entry-level, non-academic post requiring just a Bachelor's Degree.

9. Learned counsel further submitted that the restructuring of the posts pertinent to these disciplines is being undertaken to bring about uniformity in cadre structure, nomenclature, service conditions, recruitment qualifications and promotional avenues in all State Universities of Jharkhand to ensure parity and standardization across the State higher education system. Lastly, he submitted that since this is a policy decision, no

mandamus could be issued in such matter.

10. Having heard learned counsel for the parties and upon perusal of the materials on record, it transpires that the petitioners are post graduate in LIS/PES discipline; however, the same has not been included in the list of subjects for which examination under JET 2024 is being conducted. They are aggrieved from such non-inclusion as it would deprive them from entering the eligibility pool for consideration against existing sanctioned posts corresponding to their respective disciplines.

11. At the outset, it is apposite to notice that the core issue in the present case is not with regard to creation of posts or recruitment, but with regard to inclusion of certain subjects in a qualifying examination being conducted by the State under JET 2024. It is not in dispute that JET is not a recruitment exercise, but only a qualifying examination intended to create a pool of eligible candidates for future consideration. It is also not in dispute that the inclusion or exclusion of subjects in such examination falls within the domain of policy decision of the State.

12. However, in the present case, the petitioners have a legitimate expectation that when the eligibility criteria for certain posts corresponding to the disciplines in question are

stated to be identical under the governing regulatory framework, *i.e.*, the UGC Regulations, 2018, which has been adopted by the State of Jharkhand also, and once Regulation 4.7 thereof, pertaining to LIS, and Regulation 4.8, pertaining to PES, specifically prescribe NET/JET as the minimum eligibility qualification, there appears to be no apparent justification by the State as to why the said disciplines have not been included within the ambit of JET 2024.

13. Moreover, such exclusion does not disclose any intelligible differentia having a rational nexus for distinguishing LIS/PES from other disciplines insofar as the governing framework under UGC Regulations and State's own Technical Education Service Rules, JTESR[5], 2024 is concerned. Even the Table-02 of Annexure-4 of the JTESR also prescribes the same criteria for shortlisting of candidates for Assistant Professors and Assistant Librarians.

14. Though it is well settled principle that the Courts ordinarily exercise restraint in interfering with policy decisions, but such deference is not absolute. Where a policy decision is shown to be arbitrary, or where relevant factors have not been duly considered, the Court can require the authority to revisit the issue. In this regard, reference may be

[5] Jharkhand Technical Education Service Rules

made to the judgment of the Hon'ble Supreme Court in ***Satya Dev Bhagaur v. State of Rajasthan***[6]. It would be profitable to extract relevant paragraph; which is quoted hereinbelow:

> ***"15.*** *It is trite that the Courts would be slow in interfering in the policy matters, unless the policy is found to be palpably discriminatory and arbitrary. This Court would not interfere with the policy decision when a State is in a position to point out that there is intelligible differentia in application of policy and that such intelligible differentia has a nexus with the object sought to be achieved.***"**

15. In the aforesaid facts and circumstances, without entering into the merits of the rival submissions, this Court is of the considered view that as the Learned Counsel has put forth a novel idea for inclusion of LIS/PES in the JET which operates as the gateway for entry into the eligibility pool having a lifetime validity and that it is being conducted after a prolonged gap of nearly two decades, wherein even the subjects like Spanish, Japanese, etc. have been included in the list of subjects for which the JET is to be conducted and while candidates from other disciplines have access to both NET and JET, the LIS/PES candidates are confined to NET alone, thus, this aspect warrants due consideration by the competent authority.

16. Accordingly, the concerned respondent is directed to consider the case of the petitioners with regard to inclusion of the disciplines, namely, *Library and Information Science (LIS)*

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[6] **(2022) 5 SCC 314**

and *Physical Education and Sports (PES)*, in Jharkhand Eligibility Test - 2024, and take an appropriate decision, in accordance with law, within a period of twelve (12) weeks from the date of receipt/production of a copy of this order.

17. It is expected that while taking such decision, the authority shall take into consideration the relevant guidelines, applicable regulations and the aforesaid findings.

18. It is made clear that since the JET 2024 is already scheduled, the present order shall not interfere with the conduct of the said examination. However, in the event the decision of the competent authority is taken in favour of the petitioners, it shall be open to the respondents to take appropriate steps, including inviting separate applications and conducting a separate examination for the disciplines in question, in accordance with law.

19. With the aforesaid observations and directions, these writs petitions stand disposed of. Pending I.As, if any, also stands disposed of.

(Deepak Roshan, J.)

01.05.2026
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Uploaded on
05.05.2026