IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 7121 of 2025

Rahul Saxena, Son of Ram Sevak Saxena, aged about 32 years, Resident of Village Raipalpur, P.O. & P.S. Raipalpur, District Kanpur Dehat, Uttar Pradesh-209307. **…Petitioner**

-VERSUS-

1. **State of Jharkhand,** through Department of Personnel, Administrative Reforms and Rajbhasha, Government of Jharkhand, officiating from his office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.
2. **Jharkhand Staff Selection Commission,** through its Secretary, officiating from his office at Chaibagan Gali, Kali Nagar, P.O. & P.S. Namkum, District Ranchi.
3. **The Examination Controller, Jharkhand Staff Selection Commission,** officiating from his office at Chaibagan Gali, Kali Nagar, P.O. & P.S. Namkum, District Ranchi. **…Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Ms. Shivani Jaluka, Advocate
For the Respondents : Ms. Sanjoy Piprawall, Advocate
Mr. Prince Kumar, Advocate
Mr. Rakesh Ranjan, Advocate
For the Res.-State : Ms. Sonal Tiwary, A.C. to A.G

CAV on: 16.04.2026 **Pronounced on:01 /05/2026**

J U D G M E N T

1. Heard learned counsel for the parties

2. The instant writ petition has been preferred by the petitioner for the following reliefs:-

a. *For issuance of an appropriate writ(s), order(s) or direction(s) particularly in the nature of certiorari for quashing of the order contained in Information Memo dated 18th of September 2025 (Annexure-9) with respect to the petitioner wherein the candidature of the petitioner has been rejected for the reason that the petitioner could not appear for document verification.*

b. *For issuance of an appropriate writ(s), order(s) or direction(s) in the nature of mandamus commanding upon the respondent to carry out document verification of the petitioner and if found in order, then consider the candidature of the petitioner for the post of Training Officer (Sewing Technology/Cutting and Tailoring) as vacancy to the said post is still existing.*

c. *For issuance of an appropriate writ(s), order(s) or direction(s) that this Hon'ble Court deems just and appropriate given the facts and circumstances of the case, so as to ensure justice for the Petitioner.*

3. The case of the petitioner is that vide letter no. 2082 dated 11.04.2023, the respondent no. 1 decided to call for online applications for appointment against the notified vacancies of the post of training officers in various trades of Jharkhand Industrial Training Service/Cadre under Department of Labour, Planning, Training and Skill Development for the *Jharkhand Industrial Training Officer Competitive Examination 2023*. An Advertisement being 08 of 2023 was published for the same as per which 12 vacancies existed for the post of Training Officer (Sewing Technology/Cutting and Tailoring) out of which 5 were for unreserved category.

4. It is the case of the writ petitioner that he applied for the post of Training Officer (Sewing Technology/Cutting and Tailoring) in the unreserved category. The writ petitioner was issued admit card bearing registration no. 32012344 and the examination was scheduled for 29.11.2023. The writ petitioner qualified the written examination and was shortlisted for document verification. Vide information dated

13.09.2024 which was sent on email on 17.09.2024, the petitioner was called for document verification on 19.09.2024 in the second shift. As per the information dated 13.09.2024, the candidates who were not able to appear for document verification on 18.09.2024 and 19.09.2024, were to be present on 23.09.2024.

5. As per the petitioner, he was suffering from dengue and was hospitalized at Fortune Hospital, Kanpur from 15.09.2024 till 27.09.2024 and therefore could not check his email and was thus unable to go for document verification. The first phase of the result was declared on 25.09.2024 as per which out of total 12 vacancies, 4 vacancies were filled for the post of Training Officer (Sewing Technology/Cutting and Tailoring).

6. The further case of the petitioner is that after recovering from dengue and coming to know about the document verification and 1st phase of result, the petitioner gave several representation to the respondent on 01.10.2024, 07.10.2024, 14.10.2024, 29.11.2024 and 12.12.2024 wherein he was orally assured that his representation is under consideration.

The second and third phase of the result was declared on 09.01.2025 and 05.03.2025 respectively however, no post of Training Officer (Sewing Technology/Cutting and Tailoring) was filled. Since the vacancy for the post of Training Officer (Sewing Technology/Cutting and Tailoring) was still surviving, the petitioner again gave representation dated 15.04.2025 and 15.09.2025. However,

vide Information Memo dated 18.09.2025, the candidature of the petitioner was rejected under clause 5(V) of the *Jharkhand Industrial Training Officer Competitive Examination 2023* as the petitioner failed to turn up for document verification.

7. A counter affidavit has been filed by respondent no. 2 and 3 wherein it has been stated that in terms of the advertisement, all the information relating to the examination has to be officially provided on the Commission's website and the petitioner was therefore required to check the website regularly. It has been submitted that the date and time for document verification of the petitioner was fixed; however, the petitioner neither turned up for document verification, nor sent any representation for granting him opportunity for document verification on ground of illness.

8. It has been further stated that the test reports (Annexure-4 of the writ petition) appears to be created documents. However, the post of Training Officer (Sewing Technology/Cutting and Tailoring) is vacant.

9. An interlocutory application being I.A. No. 3022 of 2026 was filed by the petitioner with a prayer for keeping one seat vacant under the category of Training Officer (Sewing Technology/Cutting and Tailoring). A memo dated 10.02.2026 is enclosed as Annexure-IA/1 along with the said interlocutory application as per which 20 candidates have been called for document verification.

10. Learned counsel for the petitioner has submitted that during the relevant time, the petitioner was suffering from dengue and was

hospitalized, due to which he was unable to check his email and had no information regarding the document verification scheduled on 19.09.2024. The petitioner has submitted that the candidature of the petitioner has been rejected under clause 5(V) of the *Jharkhand Industrial Training Officer Competitive Examination 2023;* however, the procedure provided in clause 5(X) has not been followed by the respondent, which provides that before cancellation of candidature of a candidate, due opportunity of hearing will be provided to the candidate and only thereafter a decision will be taken.

11. It has been further submitted that the vacancy for the post of Training Officer (Sewing Technology/Cutting and Tailoring) is still existing. The Ld. Counsel has placed reliance upon the Judgment passed by the Hon'ble Division Bench of this Court in the case of ***Rekha Kumari Barnwal v. State of Jharkhand & Ors. (L.P.A. No. 333 of 20160*****,** wherein direction was given to the respondent to call the petitioner for document verification and thereafter re-consider the candidature of the petitioner.

12. On the other hand, the Ld. Counsel for the respondent has submitted that the medical reports annexed as Annexure-4 to the writ petition appears to be forged and no intimation was given by the petitioner before the date of document verification of his inability to be present on the ground of his illness. It has further been submitted that merely because the petitioner was shortlisted for document verification, does not create a right in his favour to again be called for document

verification once he has already missed the opportunity to be present on the scheduled date. The respondent has further submitted that the results for the *Jharkhand Industrial Training Officer Competitive Examination 2023* has already been declared and the vacant seats will be carry forwarded for the next examination. Lastly, it has been submitted that in case the prayer of the petitioner is allowed, it will open pandora's box.

13. The petitioner in rejoinder has submitted that the respondents are still calling candidates for document verification which will be evident from Annexure-IA/1 enclosed with I.A. No. 3022 of 2026 as per which vide Memo dated 10.02.2026, 20 candidates have been called for document verification.

14. Having gone through the records of the case and hearing the parties, it is admitted that the writ petitioner did not appear for the document verification on the scheduled date i.e., 19.09.2024. The petitioner has enclosed the test reports from K.S. Diagnostics to show that he was suffering from dengue during the relevant time. The respondent no. 2 and 3, in their counter affidavit at para 32 has stated that the test reports are created documents; however, they have failed to bring anything on record to prove that the test reports are forged and fabricated.

15. It is a cardinal principle of law that fraud has to be pleaded and proved and mere averment will not help the party making such allegation. The respondent had full opportunity to prove that the test

reports are forged; however, no such proof has been brought on record. In absence of any such proof by the respondents, the authenticity of the test reports cannot be doubted with.

16. Further, Clause 5(X) of the *Jharkhand Industrial Training Officer Competitive Examination 2023* provides that before taking any decision to reject the candidature of a candidate, due opportunity of hearing has to be given. There is nothing on record to show that the petitioner was given an opportunity of hearing before rejection of his candidature.

17. Above all, the respondents in para 34 of their counter affidavit have themselves admitted that the vacancy for the post of Training Officer (Sewing Technology/Cutting and Tailoring) is still existing.

18. In light of the peculiar facts and circumstances of the case, coupled with the fact that the vacancy for the post of Training Officer (Sewing Technology/Cutting and Tailoring) is still existing, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India is of the considered view that an opportunity be given to the petitioner.

19. This Court, considering the fact that vacancies for the post of Training Officer (Sewing Technology/Cutting and Tailoring) is still existing, denial of employment on such technical grounds, will defeat the ends of justice. Accordingly, this Court directs the respondent to call the petitioner for document verification within a period of 3 weeks from the receipt of this order and after proper verification of documents

and other formalities, if the petitioner is found eligible, accommodate the petitioner in the existing vacancy within a period of 4 weeks from the date of document verification.

20. Accordingly, the writ petition stands allowed. Pending Interlocutory Application, if any, stands closed.

(Deepak Roshan, J.)

Dated: 01 /05/2026
Amardeep/
A.F.R

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