

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.13307/2019

(Arising out of impugned final judgment and order dated 06-03-2019 in WP No. 48/2017 passed by the High Court of Jharkhand at Ranchi)

DINESH CHOUDHARY

Petitioner(s)

VERSUS

THE HONBLE HIGH COURT OF JHARKHAND & ORS.

Respondent(s)

(IA No. 85438/2019 - EXEMPTION FROM FILING O.T.)

Date : 07-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s)    Mr. Arvind Gupta, AOR  
                              Mr. Anil Kumar Sahu, Adv.  
                              Mr. Mohit Bidhuri, Adv.  
                              Mr. Pran Krishna Jane, Adv.  
                              Ms. Nazish Fatima, Adv.  
                              Mr. Utkarsh Sahu, Adv.

For Respondent(s)    Mr. Krishnanand Pandeya, AOR  
  
                              Mr. Tapesk Kumar Singh, AOR  
                              Mr. Aditya Pratap Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The petitioner is before this Court assailing the order dated 06.03.2019 passed by the High Court of Jharkhand at Ranchi in WP No. 48/2017.

The issue which arose for consideration in the said Writ Petition was with regard to the claim of the petitioner and certain other similarly placed persons seeking for

providing reservations for Scheduled Castes, Scheduled Tribes and other Backward Classes in the recruitment to the Higher Judicial Services in the State of Jharkhand.

In that light it was contended that the Notification for recruitment was issued without providing for reservation and was violative of the Reservation Policy of the State of Jharkhand. Though several contentions were urged in the Writ Petition, considering the fact that the Public Advertisement No. 1/2017/Apptt. was already issued and as on such date the Jharkhand Superior Judicial Service (Recruitment, Appointment and Conditions of Service) Rule, 2001 did not provide for reservation, the High Court was of the view that no interference in the process which had already commenced is contemplated when as on the date of the advertisement there was no provision for reservation in the Rules, 2001. The High Court accordingly dismissed the Writ Petition.

Learned counsel for the petitioners contends, though that be the position, subsequent recruitments have been made and in future also the recruitments are to be made and therefore the reservation is to be provided in terms of the reservation policy of the State.

In that regard, learned counsel appearing for the High Court has referred to the Objection Statement filed herein indicating that Hon'ble the Chief Justice vide Minutes dated 29.01.2019 has constituted a special Committee of five Hon'ble Judges to consider the matter for reservation in Jharkhand Higher Judicial Services. It is also stated therein that that

the Committee had considered the matter in its meeting dated 29.07.2019 and had issued certain directions.

In that view it is indicated that the matter is under active consideration before the High Court. The High Court having taken note of this aspect and taking into consideration the fact that steps have been taken by the High Court to constitute a Committee and the matter is under due consideration, we see no reason to pass any specific directions in this petition.

We are confident that the High Court would take an appropriate decision in accordance with law after securing the recommendation from the Committee. It would also be open to the petitioner to file appropriate representation before Hon'ble the Chief Justice putting forth their grievances, if any.

With the above observations, the Special Leave Petition stands disposed of.

(RAJNI MUKHI)  
COURT MASTER (SH)

(DIPTI KHURANA)  
ASSISTANT REGISTRAR