IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 7252 of 2025

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1. Ishak Kachhap, aged about 45 years, son of Late Anand Masih Kachhap, resident of R.V.C Bhetnari Colony, Kanke, P.O. Kanke, P.S. Kanke, District- Ranchi, Jharkhand
2. Bilendra Ram, aged about 41 years, son of Late Dhadhu Ram, resident of village- Patra Toli, Kanke, P.O. and P.S. Kanke, District- Ranchi, Jharkhand.
3. Md. Sanjar Alam, aged about 46-year, son of Late Harun Rashid, resident of village-Hussir, Kanke, P.O. and P.S. Kanke, District-Ranchi, Jharkhand. ..... **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand
2. The Secretary, Department of Agriculture, Animal Husbandry and Co Operative, Government of Jharkhand, Nepal House, P.O. and P.S. Doranda, District- Ranchi, Jharkhand
3. Birsa Agriculture University, Ranchi through the Vice Chancellor, P.O. and P.S. Kanke, District- Ranchi, Jharkhand
4. The Registrar, Birsa Agriculture University, Ranchi, P.O. and P.S. Kanke, District- Ranchi, Jharkhand
5. The Director Administration, Birsa Agriculture University, Ranchi, P.O. and P.S. Kanke, District-Ranchi, Jharkhand ..... **Respondent (s)**

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CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Afsar Raza, Adv
Mr. S.S. Zafar Hussain, Adv
Mr. Amit Kr. Choubey, Adv
Mr. Zaid Imam, Advocate
For the Resp-State : Mr. Abhijeet Anand, A.C. to Sr. S.C.-I
For the Resp.-BAU : Mr. Abhijeet Kr. Singh, Advocate

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C.A.V. ON: 17/09/2026 **PRONOUNCED ON:05/10/2026**

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioner for the following reliefs;

> *(i)For the issuance of an appropriate writ or writ in the nature of mandamus for declaration and publication of the results of the Petitioners for the recruitment process held pursuant to Advertisement as contained in Letter No. F (Ni)-230/2019/B.A.U(V.C.)/5092/Kanke dated 02.03.2019 published by the Respondent University in which the*

Petitioners have duly applied, participated and appeared in the interview in terms of the examination rules of the Respondent University;

(ii) For the issuance of an appropriate writ or writ in the nature of mandamus for conclusion of the recruitment process held pursuant to Advertisement as contained in Letter No. F (Ni)-278/2023/B.A.U(V.C.)/489/Kanke dated 30.01.2023 published by the Respondent University in which the Petitioners have duly participated under the said recruitment process held by the Respondent University;

3. Briefly stated, the Respondent University published an advertisement as contained in Letter No. F (Ni)-230/2019/B.A.U.(V.C.)/5092/Kanke dated 02.03.2019 inviting applications for various posts such as plumber, helper etc. Petitioners having the required qualifications as per the advertisement applied for the respective posts, and accordingly, admit cards were issued to the Petitioners.

By way of the said admit cards, the Petitioners were informed that either a written examination or an interview in terms of the said advertisement shall be conducted and thereafter the results of the successful candidates shall be published.

4. It has been submitted by Ld. Counsel for the petitioner that the Petitioners in terms of the said direction, though appeared for the recruitment process and duly participated in the said examination held pursuant to the said advertisement; however, the results for the said recruitment process were never published by the Respondent University.

5. It has further been contended that when the results were not being declared, the Petitioners through their Union namely, Jharkhand Karamchari Majdoor Morcha, made a representation vide letter no. 8 dated 08.07.2021 raising the issue of declaration of results for

the recruitment process held pursuant to the Advertisement of 2019.

6. *Per contra,* Ld. Counsel representing the respondent-University submits that pursuant to the above advertisement, the Respondent again published an advertisement as contained in Letter No. F (Ni)-278/2023/B.A.U.(V.C.)/489/Kanke dated 30.01.2023 inviting applications for appointment to such posts. Even after submission of the application form pursuant to the application made by the Petitioners in terms of the Advertisement of 2023, no further process has been carried out by the Respondent University.

7. No Counter affidavit has been filed by State. Respondent University has filed a Counter affidavit stating therein that due to the direction of Governor Secretariat vide memo nos. 1648 dated 09.07.2019 and 3240 dated 27.12.2019, the recruitment process was kept in abeyance till regular appointment of the New Vice Chancellor and further it was directed that the new Vice Chancellor will re-advertise the post afresh.

8. It has further been stated in the counter affidavit that in compliance of such direction, after appointment of new Vice Chancellor, a fresh advertisement was made in the year 2023, but the Secretary, Department of Agriculture, Animal Husbandry & Co-operative Department, Government of Jharkhand vide its memo no. 1176 dated 11.05.2023 directed to hold up the entire recruitment process conducted by University.

9. It was further stated in the Counter affidavit that Birsa Agriculture University gets fund from the State Government, therefore it was compelled to hold up the

recruitment process in the light of direction received from Governor Secretariat and the State Government.

10. This Court vide its order dated 07.01.2026 has made a specific query from the respondents :-

> *"2. Thus, I direct the respondents to file a specific affidavit on the point as to whether the process of appointment which was initiated has been aborted or cancelled and if the same has been cancelled, the ground of cancellation."*

11. The University in reply to this specific direction has filed a supplementary counter affidavit stating that due to direction of Governor Secretariat vide memo no. 1648 dated 09.07.2019 and 3240 dated 27.12.2019, the recruitment process was stopped. Subsequently a fresh advertisement was made in the year 2023; however, Secretary Department of Agriculture, Animal Husbandry and Cooperative vide memo no. 1176 dated 11.05.2023 has pointed out that as per notification no. 1645 dated 02.06.2014, the appointment process can be done by Jharkhand Staff Selection Commission on the basis of written examination. In such circumstances when the proposed appointments were going against the statute, the appointment process were cancelled w.e.f. 15.06.2023 and a letter to this effect was issued on 27.01.2026.

12. Learned Counsel for the petitioner draws attention of this Court to the judgment dated 10.09.2024 passed in W.P.(S) No. 4941/2023 which is appended as Annexure-7 to the writ petition and submits that in same circumstances when state government stopped another recruitment process, this Court has quashed the letter stopping the appointment process and directed the University to complete the appointment process.

13. Learned counsel for the University, in reply referred to the same order at para 6 and 7 and clarifies that there are two types of post in the University. One at KVK, funded by Indian Council for Agriculture Research and other funded by the State Government.

14. So far as the posts involved in W.P.(S). no. 4941 of 2023 is concerned, they were funded by I.C.A.R. and as such this Court has passed the order.

15. The posts involved in present writ petition are funded by the State Government and as such they are duty bound to act as per direction of State government. It has further been argued that no result consequent to selection process has been declared and as such the petitioners have not accrued any right for their appointment pursuant to issuance of Advertisement.

16. Ld. Counsel for Respondent-University has further relied upon the judgment of Hon'ble Supreme Court reported in ***(1991) 3 SCC 47 [Shankarsan Das Vs. Union of India]*** and refers to para 7 and 8:

> ***"7.*** *It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in State of Haryana v. Subash Chander Marwaha [(1974) 3 SCC 220 : 1973 SCC (L&S) 488 : (1974) 1 SCR 165] , Neelima Shangla v. State of Haryana [(1986) 4 SCC 268 : 1986 SCC (L&S) 759] , or Jatinder Kumar v. State of Punjab [(1985) 1 SCC 122 : 1985 SCC (L&S) 174 : (1985) 1 SCR 899]****".***
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> ***8.*** *In State of Haryana v. Subash Chander Marwaha [(1974) 3 SCC 220 : 1973 SCC (L&S) 488 : (1974) 1 SCR 165] 15 vacancies of Subordinate Judges were advertised, and out of the selection list only 7, who had secured more than 55 per cent marks, were appointed, although under the relevant rules the eligibility condition required only 45 per cent marks. Since the High Court had recommended earlier, to*

> *the Punjab Government that only the candidates securing 55 per cent marks or more should be appointed as Subordinate Judges, the other candidates included in the select list were not appointed. They filed a writ petition before the High Court claiming a right of being appointed on the ground that vacancies existed and they were qualified and were found suitable. The writ application was allowed. While reversing the decision of the High Court, it was observed by this Court that it was open to the government to decide how many appointments should be made and although the High Court had appreciated the position correctly, it had "somehow persuaded itself to spell out a right in the candidates because in fact there were 15 vacancies". It was expressly ruled that the existence of vacancies does not give a legal right to a selected candidate. Similarly, the claim of some of the candidates selected for appointment, who were petitioners in Jatinder Kumar v. State of Punjab [(1985) 1 SCC 122 : 1985 SCC (L&S) 174 : (1985) 1 SCR 899] , was turned down holding that it was open to the government to decide how many appointments would be made. The plea of arbitrariness was rejected in view of the facts of the case and it was held that the candidates did not acquire any right merely by applying for selection or even after selection. It is true that the claim of the petitioner in the case of Neelima Shangla v. State of Haryana [(1986) 4 SCC 268 : 1986 SCC (L&S) 759] , was allowed by this Court but, not on the ground that she had acquired any right by her selection and existence of vacancies. The fact was that the matter had been referred to the Public Service Commission which sent to the government only the names of 17 candidates belonging to the general category on the assumption that only 17 posts were to be filled up. The government accordingly made only 17 appointments and stated before the court that they were unable to select and appoint more candidates as the Commission had not recommended any other candidate. In this background it was observed that it is, of course, open to the government not to fill up all the vacancies for a valid reason, but the selection cannot be arbitrarily restricted to a few candidates notwithstanding the number of vacancies and the availability of qualified candidates; and, there must be a conscious application of mind by the government and the High Court before the number of persons selected for appointment is restricted. The fact that it was not for the Public Service Commission to take a decision in this regard was emphasised in this judgment. None of these decisions, therefore, supports the appellant.***"***

17. Having heard Ld. Counsel for the parties and upon perusing the pleadings on record, it transpires that pursuant to order of this Court the respondent university has already filed a counter affidavit bringing on record the order dated 27.01.2026 whereby it has been decided to cancel the advertisement issued on 30.01.2023.

18. It has also been stated by the University in its earlier counter affidavit that as per direction issued by Governor secretariat, they have stopped the appointment process initiated in the year 2019 and subsequently initiated a fresh appointment process in the year 2023. The counter affidavit of the university was filed on 31.01.2026

but order dated 27.01.2026 has not been challenged by the Petitioner by filing any appropriate application.

19. This Court in absence of any prayer for quashing of order dated 27.01.2026 cannot examine the legality and validity of the decision of cancellation of advertisement. It is an admitted position that no result / selection list of petitioners has been issued by the University creating any right in their favour.

20. In light of above discussion, no relief, whatsoever, can be granted to the petitioners without there being any right accrued in their favour. Mere submission of application form pursuant to an advertisement does not confer any right for getting appointment.

21. However, as requested by Ld. Counsel for the petitioners; they would be at liberty to challenge the order 27.01.2026; whereby it has been decided to cancel the advertisement, if so advised.

22. Consequently, this writ petition is dismissed with the liberty as indicated hereinabove. Pending I.A., if any, also stands disposed of.

(Deepak Roshan, J)

Dated:05/10/2026
NAFR
Amardeep/
Uploaded on

8.10.2026