

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.1498 of 2025

Pintu Kumar, son of Hemlal Prasad Verma, resident of 193, P.O. Jhumri Telaiya, P.S. Jhumri Telaiya, Nawada Basti Koriyadih, District-Koderma, Jharkhand Petitioner.

-Versus-

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. Jagannathpur, P.S. Dhurwa, Ranchi.
 2. The Deputy Commissioner-cum-District Magistrate, Koderma having its office at office of the Deputy Commissioner-cum-District Magistrate, Koderma, P.O. and P.S. Koderma, District-Koderma.
 3. The In-charge Officer, District General Branch, Koderma, having its office at office of the Deputy Commissioner-cum-District Magistrate, Koderma, P.O. and P.S. Koderma.
- Respondents.

W.P.(S) No.1529 of 2025

Ravindra Kumar, son of Lekho Yadav, resident of Ward No.4, Gram Piprahi, Thana Chandwara, Post Dhabtham, Panchayat Bhondo, District-Koderma. Petitioner.

-Versus-

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. Jagannathpur, P.S. Dhurwa, Ranchi.
 2. The Deputy Commissioner-cum-District Magistrate, Koderma having its office at office of the Deputy Commissioner-cum-District Magistrate, Koderma, P.O. and P.S. Koderma, District-Koderma.
 3. The In-charge Officer, District General Branch, Koderma, having its office at office of the Deputy Commissioner-cum-District Magistrate, Koderma, P.O. and P.S. Koderma, District-Koderma.
- Respondents.

W.P.(S) No.4064 of 2025

Kanchan Kumari Sinha, wife of Niranjana Kumar Sinha, resident of village Nandudih, P.O. Nandudih, P.S. Satgawan, District-Koderma (Jharkhand). Petitioner.

-Versus-

1. State of Jharkhand.
 2. Principal Secretary, Department of Home, Prison and Disaster Management, Project Building, P.O. and P.S. Dhurwa, District-Ranchi.
 3. Deputy Commissioner, Koderma.
- Respondents.

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioners : Mr. Rishabh Kaushal, Advocate
For the Respondents: Mr. Ashwini Bhushan, AC to Sr. SC-II
Ms. Amrita Banerjee, AC to GP-I

Order No.04

Date: 19.09.2025

Per: Rajesh Shankar, J.

1. W.P.(S) No. 1498 of 2025 and W.P.(S) No.1529 of 2025 have been preferred for quashing the provisional list of shortlisted candidates issued by the office of Deputy Commissioner, Koderma vide "Public Notices" as contained in Memo No.592/Sa. Koderma dated 26.09 2024 and Memo No.593/Sa. Koderma, dated 27.09.2024 whereby a consolidated list of the candidates eligible for appearing in physical test has been prepared/published at the entire "district level" on the basis of category wise cut off marks. Further prayer has been made for quashing the "Public Notice" as contained in Memo No.599/Sa., Koderma dated 28.09.2024, whereby and whereunder the In-charge Officer, General Branch, Office of the Deputy Commissioner, Koderma has prepared/published the provisional merit list of selected candidates at the "district level". It is also prayed for issuance of direction upon the respondent authorities to consider the petitioners for appointment to the post of 'Chowkidar' by preparing the merit list at the 'Beat' level.
2. W.P.(S) No. 4064 of 2025 has been preferred for commanding upon the respondent authorities particularly the Deputy Commissioner, Koderma directing him to issue call letter to the petitioner for appearing in physical test and thereafter to prepare

merit list on adding the marks to be obtained by the petitioner in physical test with the marks obtained by her in written test and work experience and if she obtains marks equivalent to the last selected candidate, the respondent authorities may be directed to issue appointment letter to her for the post of 'Chowkidar'.

3. The factual background of the cases as stated in the writ petitions is that the Office of the Deputy Commissioner-cum-District Magistrate, Koderma issued advertisement for the post of "Grameen Chowkidar" (in short "Chowkidar") vide Advertisement No.01/2024. The petitioners submitted their application forms with respect to their respective 'Beats' where they were residing. Thereafter, they were issued admit cards to appear in the written test and they accordingly appeared in the same held on 25.09.2024.
4. The respondent authorities published a consolidated list of candidates eligible for appearing in the physical test vide "Public Notice" as contained in Memo No.592/Sa., Koderma dated 26.09.2024, whereby the candidates were shortlisted on the basis of category-wise cut off marks for the entire district instead of shortlisting them 'Beat wise'. The names of the petitioners were not found in the list of the shortlisted candidates qualified for physical test.
5. The petitioner of W.P.(S) No.1498 of 2025 along with several other candidates made their grievances vide common representation dated 27.09.2024 and on the same day, the respondent-authorities again came out with a revised list of

shortlisted candidates vide "Public Notice" as contained in Memo No.593/Sa., Koderma dated 27.09.2024. However, the said list was also published on the basis of category-wise cut-off marks for the entire district. The respondent-authorities conducted physical fitness as well as run test of the shortlisted candidates on 28.09.2024 and thereafter a consolidated merit list of successful candidates was prepared on the basis of total marks obtained in the written test as well as physical test, which was published vide "Public Notice" as contained in Memo No.599/Sa., Koderma dated 28.09.2024.

6. The learned counsel for the petitioners submits that since Clause 9 of the Advertisement clearly prescribed that the applicants were to be permanent residents of their respective 'Beat' area against which they were submitting their applications, the result published on the basis of category-wise cut off marks for the entire district was arbitrary and discriminatory.
7. It is further submitted that due to the said arbitrary action of the respondents, several 'Beat' areas were left without a 'Chowkidar' as there was only one vacancy advertised for each 'Beat' and the resident of a particular 'Beat' was not allowed to apply in other 'Beats'.
8. It is also submitted that the recruiting authority cannot change the eligibility criteria fixed in the advertisement in the middle of the selection process.
9. It is further contended that in view of specific condition as contained in Clause 11(Ka) of the said Advertisement that the

merit list would be prepared in the ratio of 1:3 and the minimum qualifying marks would be 30% of total marks of written examination, the respondent-authorities had no jurisdiction to select the candidates without preparing a merit list of qualified candidates after written examination in the aforesaid ratio.

10. On the contrary, the learned counsel for the respondents submits that the appointment process of 'Chowkidar' was started in compliance of the order dated 23.07.2018 passed in W.P.(S) No.960 of 2016 and analogous cases. The office of the Deputy Commissioner-cum-District Magistrate, Koderma issued the Advertisement No.01/2024 as per the provisions of the Jharkhand Chowkidar Cadre Rules, 2015 (in short "the Rules 2015") issued vide Notification No.2032 dated 07.04.2015 by the Department of Home, Prison and Disaster Management, Government of Jharkhand, Ranchi as well as in compliance of the instructions issued by the State Government vide Letter Nos.3469 and 3910 dated 01.09.2022 and 27.06.2022 respectively and as per the direction given vide minutes of the meeting as contained in Memo No.4163 dated 08.07.2024, held under the Chairmanship of the Chief Secretary, Government of Jharkhand.
11. It is further submitted that a district level reservation roster was prepared for appointment of 'Chowkidars' as per Resolution No.1617 dated 17.03.2022 issued by the Department of Personnel, Administrative Reforms & Rajbhasa, Government of Jharkhand. The said reservation roster was approved by the

Divisional Commissioner, North Chotanagpur Division, Hazaribag
vide Letter No.821 dated 12.07.2024.

12. It is also submitted that if the result had been prepared 'Beat Wise', all posts had to be treated as individual single post counting the same as unreserved post.
13. It is further contended that the petitioners obtained lesser marks than the cut off marks and as such they could not qualify for physical test. Moreover, the appointment letters have been issued to the successful candidates for their nearest 'Beat' and appointment process of Advertisement No.01 of 2024 is already over.
14. Heard the learned counsel for the parties and perused the materials available on record.
15. Thrust of the argument of learned counsel for the petitioners is that the list of the shortlisted candidates eligible for appearing in the physical test was published by the respondent authorities in contravention of Clause 9 of the Advertisement No.01 of 2024 which clearly stipulated that the candidates should have been permanent residents of that 'Beat' area for which they had made the applications.
16. To appreciate the said contentions of the learned counsel for the petitioners we have perused the Rules, 2015, the relevant provisions of which are reproduced hereinbelow: -

“3. *संवर्ग का गठन:-*

(2) यह संवर्ग जिला स्तरीय संवर्ग होगा एवं संबंधित उपायुक्त इनके नियुक्ति पदाधिकारी तथा संवर्ग नियंत्रण पदाधिकारी होंगे।

4. आरक्षण: - नियुक्ति एवं प्रोन्नति हेतु राज्य सरकार द्वारा समय-समय पर निर्धारित जिला स्तरीय आरक्षण लागू होगा।

5. नियुक्ति: -

(5) अभ्यर्थी को संबंधित बीट क्षेत्र का स्थायी निवासी होना अनिवार्य होगा।

(7) चौकीदार के पद पर नियुक्ति जिला स्तर पर होगी एवं उनका पदस्थापन यथासंभव उनके आवासीय बीट क्षेत्र के अन्तर्गत होगा। सामान्यतः उनका स्थानांतरण नहीं किया जायेगा।”

17. Clause 9 of the Advertisement is also reproduced hereinbelow:

“9. अभ्यर्थी को संबंधित बीट क्षेत्र का स्थायी निवासी होना अनिवार्य होगा जिस बीट में रिक्ति के विरुद्ध वे आवेदन समर्पित करेंगे।”

18. Thus, the Rules, 2015 as well as the Advertisement No.01 of 2024 have provided that the candidates have to be the permanent residents of that ‘Beat’ area for which they are submitting their applications.

19. The Rules, 2015 further stipulates that the appointment for the post of ‘Chowkidar’ has to be made ‘District wise’ and as far as possible, posting of the selected candidates is to be made within their residential ‘Beat’ area. It further provides that normally transfer of any ‘Chowkidar’ will not be made.

20. The Rules, 2015 also provides that for appointment to the post of ‘Chowkidar’, district level reservation roster as determined by the State of Jharkhand from time to time, will be followed.

21. The word “यथासंभव” as appears in sub-clause (7) of Clause (5) of the Rules, 2015 would mean that the posting of ‘Chowkidar’

within his "Beat area" is not mandatory, rather it is directory in nature. Moreover, the word "सामान्यतः" mentioned in the said sub-clause makes it directory not mandatory that the transfer of a 'Chowkidar' will not be made. Thus, from the language used in the Rules, 2015, it is clear that a 'Chowkidar' who is resident of a concerned 'Beat' can be appointed/transferred to another 'Beat' for a cogent reason.

22. In the case of ***Malik Mazhar Sultan & Another Vs. U.P. Public Service Commission & Others*** reported in ***(2006) 9 SCC 507***, the Hon'ble Supreme Court has held that the recruitment in the service can only be made in accordance with the Rules and the error, if any, in the advertisement cannot override the Rules and create a right in favour of a candidate, if otherwise not eligible according to the Rules.
23. Moreover, the Rules, 2015 itself speaks that the appointment is to be made 'district-wise' and as such the petitioners are wrong in contending that the appointment should have been made 'Beat Wise'. Otherwise also, the cadre of Chowkidar is district level.
24. We find substance in the argument of the learned counsel for the respondents that if the contention of the petitioners is accepted, it will not be possible to follow the reservation roster, as the same cannot be applied for a single post.
25. That apart, it has not been specifically mentioned in the Advertisement 01/2024 that the appointment on the post of 'Chowkidar' will be made 'Beat Wise', rather the Rules, 2015

specifically stipulates that the appointment will be made 'District wise'.

26. In the case of ***Shailesh Dhairyawan Vs. Mohan Balkrishna Lulla*** reported in ***(2016) 3 SCC 619***, the Hon'ble Supreme Court has held as under: -

"31. *The aforesaid two reasons given by me, in addition to the reasons already indicated in the judgment of my learned Brother, would clearly demonstrate that the provisions of Section 15(2) of the Act require purposive interpretation so that the aforesaid objective/purpose of such a provision is achieved thereby. The principle of "purposive interpretation" or "purposive construction" is based on the understanding that the court is supposed to attach that meaning to the provisions which serve the "purpose" behind such a provision. The basic approach is to ascertain what is it designed to accomplish? To put it otherwise, by interpretative process the court is supposed to realise the goal that the legal text is designed to realise. As Aharon Barak puts it:*

"Purposive interpretation is based on three components: language, purpose, and discretion. Language shapes the range of semantic possibilities within which the interpreter acts as a linguist. Once the interpreter defines the range, he or she chooses the legal meaning of the text from among the (express or implied) semantic possibilities. The semantic component thus sets the limits of interpretation by restricting the interpreter to a legal meaning that the text can bear in its (public or private) language." [Aharon Barak, Purposive Interpretation in Law (Princeton University Press, 2005).]

32. *Of the aforesaid three components, namely, language, purpose and discretion "of the court", insofar as purposive component is concerned, this is the ratio juris, the purpose at the core of the text. This purpose is the values, goals, interests, policies and aims that the text is designed to actualise. It is the function that the text is designed to fulfil.*

33. *We may also emphasise that the statutory interpretation of a provision is never static but is always dynamic. Though the literal rule of interpretation, till some time ago, was treated as the "golden rule", it is now the doctrine of purposive interpretation which is predominant, particularly in those cases where literal interpretation may not serve the purpose or may lead to absurdity. If it brings about an end which is at variance with the purpose of statute, that cannot be countenanced. Not only legal process thinkers such as Hart and Sacks rejected intentionalism as a grand strategy for statutory interpretation, and in its place they offered purposivism, this principle is now widely applied by the courts not only in this country but in many other legal systems as well."*

27. Thus, it is trite law that when literal meaning of a provision does not serve the purpose, then the purposive interpretation of such provision is to be made so as to avoid the absurdity. The court is supposed to attach that meaning to a provision which serves its actual purpose.
28. We are of the view that the purpose behind incorporation of Clause 9 in the Advertisement No.01 of 2024 is that the authorities should know about the 'Beat' of a particular candidate so that as far as possible, his/her appointment is to be made within his/her residential 'Beat area' or in the neighbouring 'Beat' for smooth functioning of the duty of 'Chowkidar'. This interpretation of the advertisement will be in consonance with the provisions of the Rules, 2015 and the same will also achieve the purpose behind it. On the contrary, if the interpretation of Clause 9 of the said advertisement as suggested by the petitioners is accepted, it will lead to absurdity and will also be inconsistent with the provisions of the Rules, 2015.

29. So far as the claim of writ petitioner of W.P.(S) No. 4064 of 2025 to the extent that she had got 70% of the total marks in the written test i.e. more than the minimum qualifying marks and as such she was entitled to be called for physical test, it has been specifically stated by the respondents that the cut-off marks in percentage for the written examination was fixed as 80% and as such the petitioner did not qualify for physical test.
30. We are of the view that merely on the ground that the said petitioner obtained more than the qualifying marks, she had no right to be called for the physical test since she could not secure the minimum cut-off marks. The petitioner has failed to show before this court that she was discriminated by calling the other candidates for physical test who had secured lesser marks than her. Clause 11 (Ka) of the aforesaid Advertisement makes it mandatory for a candidate to secure minimum 30% marks but that does not mean that every candidate who secures more than 30% marks, should be called for physical test.
31. In view of the aforesaid discussions, we do not find any merit in the writ petitions and the same are accordingly dismissed.
32. Pending I.As., if any, are also dismissed.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

19th September, 2025
A.F.R.
Rohit/