

High Court of Jharkhand NEWSLETTER 2015



Inauguration of
NALSA's 13th All India Meet of
State Legal Services Authorities
at Ranchi

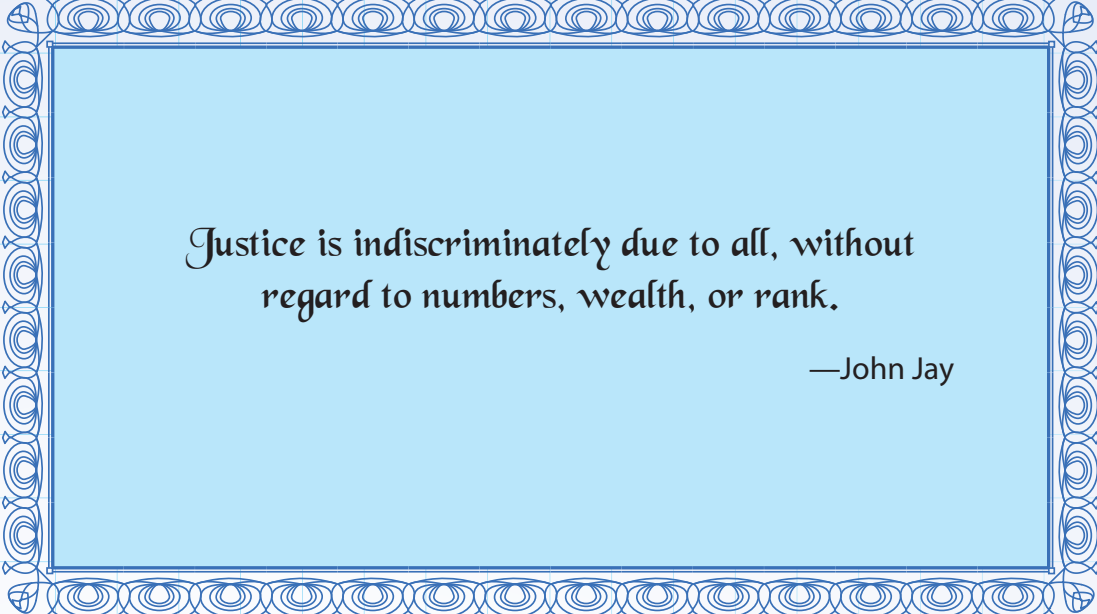
Year: 2015



Inauguration of
New Campus of
Judicial Academy Jharkhand
at Dhurwa, Ranchi



Commencement of
Construction Work of New Building
of High Court of Jharkhand
at Dhurwa, Ranchi



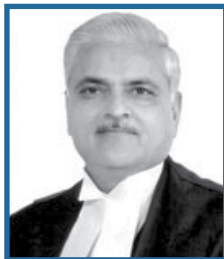
*Justice is indiscriminately due to all, without
regard to numbers, wealth, or rank.*

—John Jay

**HON'BLE CHIEF JUSTICE OF INDIA
AND
HON'BLE JUDGES OF SUPREME COURT OF INDIA**



Hon'ble Mr. Justice Justice T.S. Thakur
Chief Justice of India-cum-
Patron-in-Chief, NALSA



**Hon'ble Mr. Justice
Anil R. Dave**
Judge, Supreme Court of India
& Executive Chairman, NALSA



**Hon'ble Mr. Justice
Jagdish Singh Khehar**
Judge, Supreme Court of India
& Chairman, SCLSC



**Hon'ble Mr. Justice
Dipak Misra**
Judge, Supreme Court of India



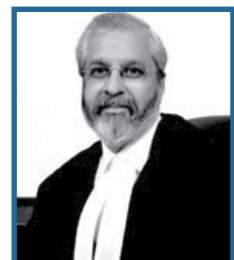
**Hon'ble Mr. Justice
Jasti Chelameswar**
Judge, Supreme Court of India



**Hon'ble Mr. Justice
Fakkir Mohamed Ibrahim Kalifulla**
Judge, Supreme Court of India



**Hon'ble Mr. Justice
Justice Ranjan Gogoi**
Judge, Supreme Court of India



**Hon'ble Mr. Justice
Madan Bhimarao Lokur**
Judge, Supreme Court of India



**Hon'ble Mr. Justice
M.Y. Eqbal**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
V. Gopala Gowda**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Pinaki Chandra Ghose**
Judge,
Supreme Court of India



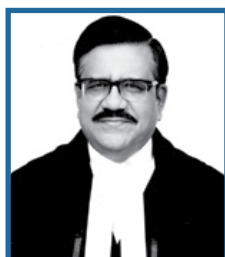
**Hon'ble Mr. Justice
Kurian Joseph**
Judge,
Supreme Court of India



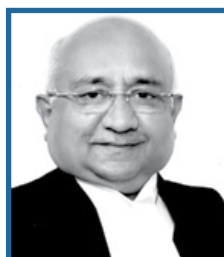
**Hon'ble Mr. Justice
Arjan Kumar Sikri**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Sharad Arvind Bobde**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Shiva Kirti Singh**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Chockalingam Naggapan**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
R. K. Agrawal**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
N.V. Ramana**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Arun Mishra**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Adarsh Kumar Goel**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
R.F. Nariman**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Abhay Manohar Sapre**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
R. Banumathi**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Prafulla Chandra Pant**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Uday Umesh Lalit**
Judge,
Supreme Court of India



**Hon'ble Mr. Justice
Amitava Roy**
Judge,
Supreme Court of India

HON'BLE CHIEF JUSTICE AND HON'BLE JUDGES OF HIGH COURT OF JHARKHAND



Hon'ble Mr. Justice Virender Singh
Chief Justice, High Court of Jharkhand-cum-Patron-in-Chief, JHALSA



Hon'ble Mr. Justice D.N. Patel
Judge, High Court of Jharkhand & Executive
Chairman, JHALSA



Hon'ble Mr. Justice R.R. Prasad*
Judge, High Court of Jharkhand & Chairman,
HCLSC



Hon'ble Mr. Justice Prashant Kumar
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
P.P. Bhatt***
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
H.C. Mishra**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
D.N. Upadhyay**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
Aparesh Kumar Singh**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
S. Chandrashekhar**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
Amitav Kumar Gupta**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
Pramath Patnaik**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
Rongon Mukhopadhyay**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
Ravi Nath Verma**
Judge, High Court of Jharkhand



**Hon'ble Mr. Justice
Ratnakar Bhengra**
Judge, High Court of Jharkhand

* transferred to other High Court

EDITORIAL BOARD

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Judge, High Court of Jharkhand

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Judge, High Court of Jharkhand

Hon'ble Mr. Justice D.N. Upadhyay
Judge, High Court of Jharkhand

Hon'ble Mr. Justice S. Chandrashekhar
Judge, High Court of Jharkhand

Compiled by :

Anil Kumar Choudhary, *Registrar General, High Court of Jharkhand*
Navneet Kumar, *Member Secretary, Jharkhand State Legal Services Authority*
Manisha Dutta, *Court Manager, High Court of Jharkhand*
Amit Kumar, *Court Manager, High Court of Jharkhand*

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Hon'ble Mr. Justice Virender Singh
Chief Justice, High Court of Jharkhand

From the pen of Chief Justice

It gives me immense pleasure to place this issue of the Newsletter covering the events and developments in the judiciary of the State during the year 2015.

Speaking of *infrastructure*, during the year 2015 a major step was taken in shape of commencement of the construction work of New Campus of the High Court of Jharkhand, running into 165 acres on 22nd June, 2015, the foundation stone of which was laid on 9th February, 2013. In view of large inflow of cases in the High Court, in the meanwhile a sprawling G+3 building is being constructed within the existing premises of the High Court to cater to the pressing need for space both for housing the Courts and accommodating the Office keeping. After completion of the construction of New Campus of Judicial Academy, Jharkhand, it has now been inaugurated and made operational from 10th October, 2015. A new Judgeship of Ramgarh in a newly built Civil Court Building was inaugurated on 26th September, 2015.

So far as *Human Resources* are concerned, 109 Civil Judges (Junior Division) were appointed and they are undergoing training in the Judicial Academy, Jharkhand. The Jharkhand Public Service Commission has also initiated recruitment process for 66 more officers in the rank of Civil Judge (Junior Division). The vacancies in the cadre of the Superior Judicial Service and the Civil Judge (Senior Division) have been filled up by promotion of Judicial Officers and process for further promotions is in the pipeline.

To streamline the working of *Subordinate Judiciary*, we have taken certain measures including, framing of Judicial Officers Work Disposal (Grading) Rules, 2015 laying down the guidelines for recording ACR of Judicial Officers in a scientific manner.

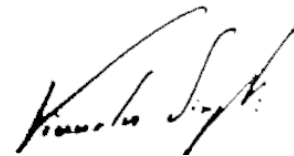
The *disposal of cases* also picked up in the High Court and with about 60% of the working strength we have achieved disposal of more number of main cases than the number of cases instituted/filed during this year.

An event of national importance, i.e *National Meet of State Legal Services Authorities* was hosted by the State of Jharkhand on 21st - 22nd March, 2015, which is first such mega event organised in this State. The *Conference on Environmental Issues & Climate Change : Jharkhand Chapter*, which was organised as a part of inauguration of New Campus of Judicial Academy Jharkhand was also a major event of the year. The depiction of other events, which took place during the year finds place in the newsletter in hand.

I express my gratitude to my Brother Judges for wholehearted cooperation and assistance rendered by them in making various programmes successful and smooth completion of different works in organizing the events successfully.

I express my expectation to record more progress in all fields of concern for Judiciary of the State of Jharkhand.

Date : 28th January, 2016
Ranchi



(Virender Singh)
Chief Justice

HIGH COURT OF JHARKHAND RANCHI

Officers of the Registry

Sl. No.	Name of the Officer with Designation	EPABX Extn.	Telephone Numbers		
			Office	Fax/Mobile	Residence
REGISTRAR GENERAL & REGISTRAR					
1.	Sri Anil Kumar Choudhary Registrar General & Registrar (Administration) I/c	116	2481449	2481116 (F) 9431115615 (M) 7070992015 (M)	2412806
2.	Sri Satyendra Kumar Singh Registrar (Establishment) & Registrar (Vigilance) (I/c)	119	2480032	9431101468 (M) 7070992016 (M)	2413417
JOINT REGISTRARS (JUDICIAL SIDE)					
3.	Sri Anil Kumar Roy Joint Registrar (Establishment)	223		9431706850 (M) 7070992019 (M)	2413174
4.	Sri Deepak Nath Tiwary Secretary to Hon'ble the Chief Justice	121		2480488 (F) 9431106597 (M) 7070992020 (M)	
5.	Sri Kumar Kamal Joint Registrar (List & Com- puter)	124	240011	9431101469 (M) 7070992021 (M)	
JOINT REGISTRARS (NON-JUDICIAL SIDE)					
6.	Sri Ashok Kumar Paul Joint Registrar (Admn.-I)	144	----	9431101471 (M) 7070992022 (M)	2482945
7.	Sri S. Roy Choudhury Joint Registrar (Admn.-II)	217	----	9431706066 (M) 7070992023 (M)	2480868
DEPUTY REGISTRARS JUDICIAL SIDE					
8.	Sri Sanjeev Kumar Das Deputy Registrar (Protocol)	222	2481380 (F)	9431115617 (M) 7070992017 (M)	2482746

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2015

High Court of Jharkhand
NEWSLETTER

OATH CEREMONIES

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2015

OATH CEREMONY OF HON'BLE CHIEF JUSTICE, HIGH COURT OF JHARKHAND HON'BLE MR. JUSTICE VIRENDER SINGH

1st November, 2014 (Saturday) at Rajbhawan



Hon'ble Governor of the State Jharkhand Mr. Syed Ahmed administering oath to Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand



Presentation of bouquets to Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand by Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand and Hon'ble Mr. Justice R.R. Prasad, Judge, High Court of Jharkhand



First Group photo of Hon'ble Chief Justice, High Court of Jharkhand with the Hon'ble Judges of High Court of Jharkhand



Hon'ble Chief Justice, High Court of Jharkhand with old pals (brother judges of previous courts).

**HON'BLE MR. JUSTICE VIRENDER SINGH,
CHIEF JUSTICE, HIGH COURT OF JHARKHAND
ADMINISTERED OATH TO SMT. DROUPADI MURMU
AS HON'BLE GOVERNOR OF JHARKHAND**

18th May, 2015 (Monday) at Rajbhawan



Administration of oath of Smt. Droupadi Murmu, the first lady Governor of the State of Jharkhand by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand



Exchange of pleasantries after the oath of the Hon'ble Governor of Jharkhand with Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand.

**HON'BLE MR. JUSTICE VIRENDER SINGH,
CHIEF JUSTICE, HIGH COURT OF JHARKHAND
ADMINISTERED OATH TO
HON'BLE MR. JUSTICE PRAMATH PATNAIK**

22nd December, 2014 (Monday) at High Court of Jharkhand, Ranchi



Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand administering the oath to Hon'ble Mr. Justice Pramath Patnaik, Additional Judge, High Court of Jharkhand



Felicitating by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand

**HON'BLE MR. JUSTICE VIRENDER SINGH,
CHIEF JUSTICE, HIGH COURT OF JHARKHAND
ADMINISTERED OATH TO
HON'BLE MR. JUSTICE RATNAKER BHENGRA**

17th April, 2015 (Friday) at High Court of Jharkhand, Ranchi



Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand administering the oath to Hon'ble Mr. Justice Ratnaker Bhengra, Additional Judge, High Court of Jharkhand



Presentation of bouquet by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand

High Court of Jharkhand
NEWSLETTER

JUDICIAL NEWS & EVENTS

NEWSLETTER

2015

NATIONAL LOK ADALAT

10th January, 2015

National Lok Adalat (2nd Phase) inaugurated by Hon'ble Chief Justice, High Court of Jharkhand



Inauguration of National Lok Adalat by Hon'ble Mr. Justice Virender Singh, Chief Justice



Inauguration of National Lok Adalat by Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand



Hon'ble Chief Justice with Hon'ble Judges at the Dais



Hon'ble Judges of the High Court of Jharkhand in the Lok Adalat



Hon'ble Chief Justice giving cheque to the aggrieved



Hon'ble Mr. Justice D. N. Patel giving cheque to the aggrieved



Hon'ble Mr. Justice Prasant Kumar giving cheque to the aggrieved



Hon'ble Mr. Justice H.C. Mishra giving cheque to the aggrieved

National Lok Adalat 10-1-15, 2nd Phase Data

Name of the State	Pre-Litigation			Referred by Court			Grand Total		
	Cases Taken Up	Cases Disposed	Compensation/Awarded/Settlement Amount	Cases Taken Up	Cases Disposed	Amount Awarded/Settled	Cases Taken Up	Cases Disposed	Amount Awarded/Settled
Jharkhand	247	247	0	1581	1322	669321	1828	1569	669321
NI Act Cases	101	100	0	972	965	352500	1073	1065	352500
Bank	34512	32778	110866723	183	183	5013215	34695	32961	115879938
MACT	18	18	1000000	103	86	18536198	121	104	19536198
Matrimonial/Family/Maintenance/Divorced by Mutual Consent	0	0	0	211	182	700000	211	182	700000
Labour	2732	2732	3319321	201	239	4473527	2933	2971	7792848
Land Acquisition	185	185	0	0	0	0	185	185	0
Civil	2	2	0	65	56	3200000	67	58	3200000
Revenue	3504	3504	118101	904	904	0	4408	4408	118101
Execution Application	0	0	0	5	5	938458	5	5	938458
Electricity/Theft & Water	4458	4079	4021543	192	184	1594009	4650	4263	5615552
Service Matter	3	3	0	0	0	0	3	3	0
Traffic Challan	3319	3319	11668164	41	41	2950	3360	3360	11671114
Industrial Disputes	0	0	0	0	0	0	0	0	0
Forest Act Cases	431	431	1500477	97	79	455700	528	510	1956177
MNREGA	21941	21941	0	0	0	0	21941	21941	0
Misc. Appeals	0	0	0	79	79	0	79	79	0
Covered Matters	28531	28531	0	2	2	0	28533	28533	0
Excise	0	0	0	148	143	331400	148	143	331400
Telephone	3791	3262	3920626	0	0	0	3791	3262	3920626
Municipal Deptt.	5950	5950	74230	0	0	0	5950	5950	74230
Consumer disputes	6	6	160000	4	4	1623238	10	10	1783238
Pty. Crl. Cases	4117	4117	1536659	358	358	47800	4475	4475	1584459
Other Cases	529747	519946	156705245	2275	2103	825639	532022	522049	157530884
Special Drive	20	20	0	0	0	0	20	20	0
Mining	13177	13177	575121717	3	3	10000	13180	13180	575131717
Insurance Matters	2383	2383	0	0	0	0	2383	2383	0
High Court	55	52	0	85	15	1650000	140	67	1650000
Total	659230	646783	870012806	7509	6953	40423955	666739	653736	910436761

ZONAL JUDGES OF THE HIGH COURT OF JHARKHAND INAUGURATED NATIONAL LOK ADALAT ORGANIZED AT THEIR RESPECTIVE JUDGESHIPS



Hon'ble Mr. Justice Pradip P. Bhatt



Hon'ble Mr. Justice Harish Chandra Mishra



Hon'ble Mr. Justice Dhruv Narayan Upadhyay



Hon'ble Mr. Justice Aparesh Kumar Singh



Hon'ble Mr. Justice S. Chandrashekar



Hon'ble Mr. Justice Amitav Gupta



Hon'ble Mr. Justice Rongon Mukhopadhyay



Hon'ble Mr. Justice Ravi Nath Verma

WORKSHOP ON PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE

18th January, 2015

One day workshop was organized to provide more effective protection of the rights of women guaranteed under the constitution who are victims of any kind occurring within the family and for matters connected therewith or incidental thereto.



INAUGURATION OF VILLAGE LEGAL CARE AND SUPPORT CENTRE AND SPECIAL LOK ADALAT IN KHUNTI

24th January, 2015

24th Jan 2015 was a historic moment for the rehabilitation of Orphan Children. On this day seven Inter Country Adoptions and two within the country adoptions were finalised and the parents were handed over the Children at Sahyog Village, Khunti in the presence of Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand along with Hon'ble Mr. Justice Prashant Kumar, Judge, High Court of Jharkhand, Hon'ble Mr. Justice H.C. Mishra, Judge, High Court of Jharkhand, Hon'ble Mr. Justice Sujit Narayan Prasad, Judge, High Court of Jharkhand and Zonal Judge, Khunti Judgship, and other dignitaries.



खूटी के अनाथालय में पल रहे बच्चों को झारखंड हाईकोर्ट के चीफ जस्टिस की मौजूदगी में विदेशी दंपतियों ने लिया गोद

सात समंदर पार गूजेगी सात बच्चों की किलकारी



रुनिवार को खूटी में बच्चों को गोद लेने के बाद प्रसन्नचित देखती। • श्रद्धा

खूटी | संवाददाता

जन्म लेते ही जिन मासूमों को अपनों ने ही ठुकरा दिया, उन्हें गैरों ने लगे लगाया है। खूटी के अनाथ आश्रम के सात बच्चों को विदेशी दंपतियों ने गोद लिया है। झारखंड हाईकोर्ट के चीफ जस्टिस विरेन्द्र सिंह ने सहयोग विलेज दुर्गादुर्गा, खूटी के इन बच्चों को कानूनी प्रक्रिया पूरी होने के बाद विदेशी दंपतियों को सौंप दिया।

इस अवसर पर सोनिवार को आयोजित समारोह में चीफ जस्टिस विरेन्द्र सिंह ने कहा कि बसंत पंचमी का दिन और एक बड़ा पुण्य कार्य यह

इन दंपतियों ने बच्चों को लिया गोद

अमेरिका : सुरेश अच्यर-रेखा हरिकरण, रवि गगन लाल परमार-केली नडाइन परमार, रॉबर्ट ओटिस हॉलिन-स्टेसी सिन हॉलिन
इटली : सालमेन पॉली-तगलिश्वू ओसोला, घोरो मैसिमो-कैमिलो ग्लोरिया कनाडा : फ्लोरिडा पैसिटी
वेल्डियम : फैक डीविनर-नामी दत्तभिंदर चौधरी
भारत : बंटी सिंह-गुड्री देवी, अभिषेक कुमार-मीनका चौधरी

झारखंड के लिए एक ऐतिहासिक क्षण है। झारखंड के इतिहास में पहली बार हुआ है, जब भारतीय बच्चों को विदेशी गोद ले रहे हैं। बिहार-झारखंड में सहयोग विलेज ही एक ऐसा अनाथालय है, जो सारी कानूनी

प्रक्रियाओं को पूर्ण कर देता है और विदेश के दंपतियों को गोद भरता है। उन्होंने कहा कि जब बच्चों को गोद लेने की दारुवास्त के मामले उनके संज्ञान में आए तो उन्होंने 25 दिनों में ही कानूनी प्रक्रिया पूरी कर दी।

INAUGURATION OF LEGAL LITERACY CLUB

31ST January, 2015 (Saturday) at DPS, Ranchi

A Legal Literacy Club was inaugurated by Hon'ble Mr. Justice S. J. Mukhopadhaya, the then Judge, Supreme Court of India in presence of Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand and all the Hon'ble Judges, High Court of Jharkhand. A set of legal awareness reading materials were distributed in the school.



INAUGURATION OF LEGAL AWARENESS STALL OF JHALSA IN RASHTRIYA KHADI EVAM SARAS MAHOTSAV

24th February, 2015 at Morabadi, Ranchi

A legal awareness stall was inaugurated by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand in Saras Mahotsav in which books and pamphlets were arranged to bring awareness of legal aspects among the common people.



प्रसिद्ध 24 फरवरी 2015

मेला में झारखंड राज्य विधिक सेवा प्राधिकार का स्टॉल खुला

■ मुख्य न्यायाधीश ने किताबें प्रदर्शित कीं
 ■ लोगों को कानून के प्रति जागरूक करने की उद्देश्य - मुख्य न्यायाधीश
 ■ रांची विधिक सेवा प्राधिकार की ओर

राज्य रिपोर्टर रांची

राजधानी रांची में आयोजित झारखंड राज्य विधिक सेवा प्राधिकार का स्टॉल खुला। मुख्य न्यायाधीश जस्टिस वीरेंद्र सिंह ने किताबें प्रदर्शित कीं और लोगों को कानून के प्रति जागरूक करने की उद्देश्य से स्टॉल में किताबें और पत्रिकाएं रखीं। स्टॉल में किताबें और पत्रिकाएं रखीं। स्टॉल में किताबें और पत्रिकाएं रखीं।

रांची में स्टॉल का उद्घाटन करते हुए मुख्य न्यायाधीश वीरेंद्र सिंह ने कहा कि...

स्वास्थ्य विभाग के स्टॉल में मिल रही है दवा

राजधानी रांची में आयोजित झारखंड राज्य विधिक सेवा प्राधिकार का स्टॉल खुला। मुख्य न्यायाधीश जस्टिस वीरेंद्र सिंह ने किताबें प्रदर्शित कीं और लोगों को कानून के प्रति जागरूक करने की उद्देश्य से स्टॉल में किताबें और पत्रिकाएं रखीं। स्टॉल में किताबें और पत्रिकाएं रखीं।

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FAREWELL CEREMONY OF HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

10th March, 2015 (Sunday) at High Court of Jharkhand



Hon'ble Mr. Justice Sujit Narayan Prasad, Addl. Judge of this Court on his transfer to Orissa High Court as an Addl. Judge address by Hon'ble Mr. Justice Virender Singh, Chief Justice of High Court of Jharkhand



Presentation of bouquet by Hon'ble Judges of the High Court of Jharkhand to Hon'ble Mr. Justice Sujit Narayan Prasad

13TH ALL INDIA MEET OF LEGAL SERVICES AUTHORITIES

21st-22nd March, 2015 at BNR, Ranchi

The 13th All India meet of the State Legal Services Authorities laid emphasis on awareness campaigns and ADR System for speedy justice. The meet was organized by NALSA; the conference deliberated upon ways to provide justice to the poor through free legal services.

हर क्षेत्र में मिले न्याय : न्यायमूर्ति ठाकुर
नालसा के तत्वावधान में झारखंड के सात जूजरी सरकोर्ट्स हाइकोर्ट के मुख्य न्यायाधीश न्यायमूर्ति वीरेंद्र सिंह, सुप्रीम कोर्ट के न्यायाधीश न्यायमूर्ति टीएस लोकर, सुप्रीम कोर्ट के न्यायाधीश न्यायमूर्ति एचएल दत्त।

कारगर है एडीआर व्यवस्था : वीरेंद्र सिंह
झारखंड हाइकोर्ट के मुख्य न्यायाधीश न्यायमूर्ति वीरेंद्र सिंह ने कहा कि एडीआर व्यवस्था को प्रोत्साहित किया जाये।

सांस्कृतिक कार्यक्रमों की धूम
राज्य के राष्ट्रीय समन्वयन में कार्यक्रम को राम ने शोभा देकर झारखंड के सांस्कृतिक कार्यक्रम का आयोजन किया गया।

खादी बोर्ड की जीवंत प्रदर्शनी
राज्य के 13^{वें} राष्ट्रीय सम्मेलन में झारखंड राज्य खादी एवं सांस्कृतिक बोर्ड की ओर से स्टॉल लगाया गया था।

जिला न्यायालयों की स्थापना में सहयोग : सीएम
राज्य में जिला न्यायालयों की स्थापना में सरकार के सहयोग का आभार दिया।

दो पुस्तकों का किया गया विमोचन
राज्य में न्यायमूर्ति और न्यायमूर्ति के पुस्तक रूप में 'डिपेंडेंट जस्टिस' पुस्तक का विमोचन किया गया।





दैनिक भास्कर

कार्यक्रम | नालसा का दो दिवसीय सम्मेलन शुरू

हर आदमी को मिले न्याय : जस्टिस ठाकुर

धनबाद, हुजूरगंज, बोकारो
देशभर में न्याय सदन का
अर्नाइजेशन कार्यक्रम

विशाल सिंह | रांची

सुप्रीम कोर्ट के न्यायाधीश जस्टिस ठाकुर ने न्याय को हर आदमी का अधिकार बनाने का नया दिशा है। न्याय को हर आदमी का अधिकार बनाने का नया दिशा है। न्याय को हर आदमी का अधिकार बनाने का नया दिशा है।

हम बिहार दिशा में जा रहे हैं - जस्टिस उषा उपाध्याय

चलेगा चलो गांव की ओर कार्यक्रम - सिंह

दो दिवसीय सम्मेलन के मुख्य अतिथि जस्टिस ठाकुर ने कहा कि न्याय को हर आदमी का अधिकार बनाने का नया दिशा है। न्याय को हर आदमी का अधिकार बनाने का नया दिशा है। न्याय को हर आदमी का अधिकार बनाने का नया दिशा है।

राजधानी जागरण

अंतिम व्यक्ति तक सुलभ न्याय प्राथमिकता

तेरहवें अखिल भारतीय विधिक सेवा सम्मेलन में जुटे देश भर के न्यायविद

न्याय को हर आदमी का अधिकार बनाने का नया दिशा है। न्याय को हर आदमी का अधिकार बनाने का नया दिशा है। न्याय को हर आदमी का अधिकार बनाने का नया दिशा है।

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NATIONAL CONFERENCE - 2015 “PRACTICAL ASPECTS OF PRACTICE”

02nd May, 2015 at Aryabhata Hall, Ranchi University, Ranchi

A National Conference was organized by the Bar Council of India in association with State Bar Council, Jharkhand on the topic Practical Aspects of Practice. The function was adorned by the presence of Hon'ble Mr. Justice M.Y. Eqbal, Judge, Supreme Court of India, Hon'ble Mr. Justice V. Gopala Gowda, Judge, Supreme Court of India, Hon'ble Mrs. Justice R. Banumathi, Judge, Supreme Court of India, Hon'ble Mr. Justice Virender Singh, Chief Justice of Jharkhand, Hon'ble Mr. Justice L. Narsimha Rao, Chief Justice, High Court of Judicature at Patna, Dr. Abhishek M. Singhvi, Sr. Advocate and Former Addl. Solicitor General of India, Ms. Pinky Anand, Sr. Advocate & Addl. Solicitor General of India and the Hon'ble Judges of the High Court of Jharkhand.



INAUGURATION OF LED DISPLAY BOARD

16th May, 2015 at JHALSA, Ranchi

On 16th May' 2015 , LED board was inaugurated by Hon'ble Mr. Justice M. Y. Iqbal, Judge, Supreme Court of India and Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA in presence of all the Hon'ble Judges of High Court of Jharkhand and Mr. Rajiv Gauba, the Chief Secretary of the State along with Principal Secretaries, Secretaries of the State of Jharkhand, Judicial Officers and Para Legal Volunteers. The board will display beneficial schemes /programs, till late night.



STATE LEVEL COLLOQUIUM ON THE ROLE OF LEGAL SERVICES AUTHORITIES IN EFFECTIVE IMPLEMENTATION OF GOVERNMENT BENEFICIAL SCHEMES INCLUDING SCHEMES FOR WORKERS OF UNORGANIZED SECTORS

16th May, 2015 at JHALSA, Ranchi

A State Level Colloquium on the role of Legal Services Institution in Effective Implementation of Government Beneficial Schemes including, those for unorganized sector was organized by JHALSA which focused on the role of State Legal Services Authorities, DLSAs, PLVs in developing road map and identifying tools to reach the target groups



VALEDICTORY SESSION OF TRAINING PROGRAM FOR PARA LEGAL VOLUNTEERS AND RELEASE OF VIDEO CD “BETI BACHAO BETI PADHAO”

17th-21st June, 2015 at Civil Court, Ranchi

A Valedictory Session of training program of PLVs was organized in the presence of Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand, Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand and other dignitaries and staff. On this occasion a CD “Beti Bachao Beti Padhao” was released.



Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand distributing Jackets to the PLVs.



COMMENCEMENT OF CONSTRUCTION WORK OF NEW BUILDING OF HIGH COURT OF JHARKHAND

22nd June, 2015 at Dhurwa, Ranchi

The construction work of the New High Court Building at Dhurwa Ranchi commenced in the presence of Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand, Hon'ble the Chief Minister, Mr. Raghubar Das and all the Hon'ble Judges of the High Court of Jharkhand.

Hon'ble Chief Minister Sri Raghubar Das and Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand launching the construction of the New Building of High Court of Jharkhand at Dhurwa, 15km from Ranchi.



MEGA BLOOD DONATION CAMP

27th June, 2015 at High Court of Jharkhand, Ranchi

BLOOD IS LIFE - JUST GIVE IT

For a magnanimous act of blood donation on 27th June, 2015, Hon'ble the Chief Justice , Hon'ble Judges of the High Court of Jharkhand, employees and staffs of the High Court assembled in the White Hall of the High Court.



THE GIFT OF BLOOD IS THE GIFT OF LIFE



ORIENTATION & INDUCTION TRAINING PROGRAMME FOR THE PARA LEGAL VOLUNTEERS OF HAZARIBAGH, GIRIDIH & KODERMA UNDER THE NALSA SCHEME FOR PLVS(REVISED)

21st-25th July, 2015 at Koderma



TREE PLANTATION BY HON'BLE MR.JUSTICE VIRENDER SINGH, CHIEF JUSTICE, HIGH COURT OF JHARKHAND CUM PATRON-IN-CHIEF, JHALSA

26th July, 2015 (Sunday)
at Jai Prakash Narayan Central Jail, Hazaribagh



"PLANT TREES - SAVE EARTH"



COLLOQUIUM ON COMMITMENT OF STATE FOR CHILD IN NEED OF CARE AND PROTECTION

23rd August, 2015 (Sunday) at Ranchi



A CONVENTION CUM ADVANCE TRAINING OF MEDIATORS

26th September, 2015 (Saturday) at Dumka



Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand, Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand and Hon'ble Mr. Justice P.P. Bhatt, Judge, High Court of Jharkhand present on the occasion.

INAUGURATION OF SOLAR POWER PLANT FOR CIVIL COURT, KHUNTI

02nd October, 2015 at Khunti



District Court Khunti, Jharkhand added a golden chapter in its history. The rooftop solar power plant was inaugurated by the Prime Minister of India, Sri Narendra Modi on 2nd October, 2015 in presence of Hon'ble the Governor of Jharkhand Smt. Draupadi Murmu, Hon'ble the Chief Minister of Jharkhand Mr. Raghubar Das, Hon'ble Mr. Justice Virender Singh, Chief Justice of High Court of Jharkhand, Hon'ble Mr. Justice D.N. Patel and all the Hon'ble Judges of the High Court of Jharkhand.

PM Modi inaugurates solar power plant in Khunti, Jharkhand



A MOMENTOUS OCCASION OBSERVED BY THE INAUGURATION OF NEWLY BUILT CIVIL COURT BUILDING IN RAMGARH

3rd October, 2015 at Ramgarh



*The new building of Ramgarh Civil Court,
Jharkhand*



*The inception of the court by the blessed hands of Hon'ble
Mr. Justice Virender Singh Chief Justice, High Court of
Jharkhand & Hon'ble Judges of High Court of Jharkhand*

The new Civil Court Building of Ramgarh inaugurated by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand.

RAMGARH JUDGESHIP AT A GLANCE

Ramgarh judgeship inaugurated on 03.10.2015

Number of court rooms in civil court complex	-	22
Number of floors	-	G + 2
Campus area	-	7.38 acres
Plinth Area	-	124470sq. ft.
Cost of construction	-	Rs. 19,91,50,999/-
Sanctioned strength of Judicial Officer	-	12
Actual working strength of Judicial Officers	-	09
No. of cases pending in sessions courts	-	Criminal Cases - 1212
	-	Civil Cases - 669
	-	Total - 1881
	-	Grand Total - 8021
Sanction strength of Class-III employees	-	69
Actual strength of Class-III employees	-	30
Sanction strength of Class-IV employees	-	63
Actual strength of Class-IV employees	-	15

JUDICIAL ACADEMY JHARKHAND



JUDICIAL ACADEMY, JHARKHAND (NEW CAMPUS)

10th October, 2015 (Saturday) at Dhurwa, Ranchi

The Judicial Academy Jharkhand is functioning since 4/1/2002 in the campus of Shri Krishna Institute of Public Administration (SKIPPA). Judicial Academy Jharkhand is striving to equip Judicial Officers of the State and other stake holders in the Justice Dispensation System with up-to-date skills and knowledge for enhancing the overall efficiency and quality of justice in the State judiciary.

In view of the expanding activities of Judicial Academy, the need for having an exclusive building for Judicial Academy was felt. Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand took keen interest and under continuous monitoring of the Hon'ble Chief Justice cum Patron-in-Chief, the academy got ready for inauguration on 10/10/2015.



HON'BLE MR. JUSTICE T.S. THAKUR
CHIEF JUSTICE OF INDIA

“Judicial education and training of Judges is a relatively recent phenomenon in this country.

It signifies a realization among those in Judiciary and the Government that continuing education and training is necessary for Judges as much as it is for professionals from any other field or discipline. At the most fundamental level, judicial education and training help improve quality of justice. In an age that increasingly demands greater independence and deeper understanding of problems of a complex and sensitive nature, the need for judicial education is perceived to be far greater than ever before.”



HON'BLE MR. JUSTICE ANIL R. DAVE
JUDGE, SUPREME COURT OF INDIA

“Any individual related with legal fraternity has to upgrade his knowledge not only limited to the field of law, but also in the fields of many other incidental subjects. Especially, in a field like law, if a lawyer or a judge ceases to remain a student, he would not be in a position to have any progress thereafter.”

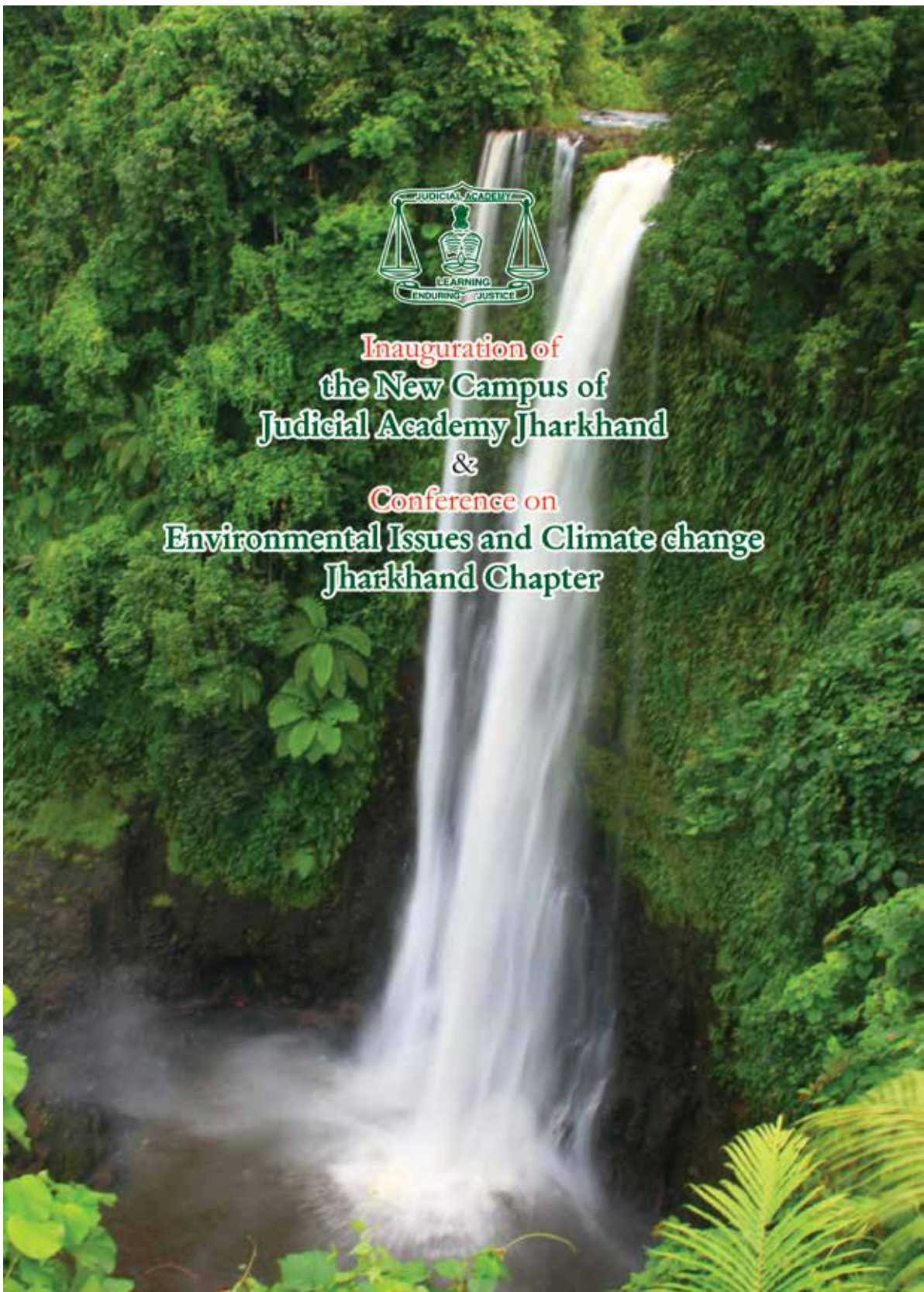






The new campus of the Judicial Academy includes five blocks comprising of Administrative and Academic block having 4 lecture rooms, computer room, Group discussion hall, Conference Hall, Seminar Hall, Faculty Hall, office, chambers, Library, canteen, 467 sitting capacity auditorium, 66 double occupancy hostel rooms, 12 guestrooms in Damodar and 2 in Swarnarekha, 3 Single occupancy rooms in Swarnarekha, one gymnasium with swimming pool, V.I.P. Bungalow and Director's Bungalow.





CONFERENCE ON ENVIRONMENTAL ISSUES AND CLIMATE CHANGE- JHARKHAND CHAPTER

The inaugural session of the conference was inaugurated by Hon'ble Mr. Justice T.S. Thakur, Judge, Supreme Court of India (now the Chief Justice of India), Hon'ble Mr. Justice Anil Dave, Judge, Supreme Court of India, Hon'ble Mr. Justice F.M.I Kalifulla, Judge, Supreme Court of India, Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India, Hon'ble Mr. Justice M.Y. Eqbal, Judge, Supreme Court of India, Hon'ble Mr. Justice A.K. Sikri, Judge, Supreme Court of India, Hon'ble Mr. Justice Shiv Kirti Singh, Judge, Supreme Court of India, Hon'ble Mr. Justice Swantanter Kumar, Judge, Supreme Court of India, Hon'ble Mrs. Justice Gyan Sudha Misra, former Judge, Supreme Court of India, Hon'ble Mr. Justice Virender Singh, The Chief Justice, High Court of Jharkhand and all the Hon'ble Judges of the High Court of Jharkhand along with Hon'ble the Chief Minister Raghubar Das, State of Jharkhand.



The Conference was organized on the topic "Environmental Issues and Climate Change", Jharkhand Chapter which was divided in 3 **Technical Session**.

- **Technical session I** included the topic : Environmental Protection and Sustainable Development with the Chairperson as Hon'ble Mr Justice M.Y. Eqbal, Judge, Supreme Court of India, co-chairperson Hon'ble Mr. Justice Aparesh Kumar Singh, Judge, High Court of Jharkhand and the session outlined **with Evolution of environmental Regulations and Institutional Structure, Mining & Power its impact on environment, Environmental impacts and law on:-Coal, Iron ore, metallic mines and Industries and power plants, Role of regulatory bodies and remedial measures.**
- **Technical Session II** with the chairperson as Hon'ble Mr Justice Arjan Kumar Sikri, Judge, Supreme Court of India, Co chairperson:-Hon'ble Mr Justice Prashant Kumar, Judge, High Court of Jharkhand, Hon'ble Mr Justice Ravi Nath Verma, Judge, High Court of Jharkhand and **the session outlined with types of solid wastes : Muncipal/Hazardous waste :solid waste management-reduction of solid wastes, reuse & Recycling Techniques, Landfills etc.**
- **Technical Session III** with the chairperson as Hon'ble Mr Justice Shiv Kirti Singh, Judge, Supreme Court of India, Co chairperson:- Hon'ble Mr Justice HC Mishra, Judge, High Court of Jharkhand, Hon'ble Mr Justice Ratnaker Bhengra, Judge, High Court of Jharkhand and the **session outlined exploitation of forest resources, deforestation, impact on environment etc.**

The technical sessions deliberated upon challenges and the solutions concerning the environmental issues.

FIRST ANNUAL CONVOCATION OF NATIONAL UNIVERSITIES OF STUDY & RESEARCH IN LAW -A MOMENTOUS OCCASION

Hon'ble the governor of Jharkhand Smt. Draupadi Murmu, Hon'ble Mr. Justice M.Y Eqbal, Judge, Supreme Court of India, Hon'ble Mr Justice Virender Singh, the Chief Justice, High Court of Jharkhand and the dignitaries present on the Dias



GLIMPSES OF OTHER EVENTS IN THE JUDGESHIPS OF STATE OF JHARKHAND

National Lok Adalat was held on 11.4.15 on Labour and family matter in which Mr. KK Srivastava, Principal District and Sessions Judge, Daltonganj distributed labour kit to the labourers of all organized sectors registered with the Labour Department.



The history of Jharkhand saw a beginning in Civil Court Jamtara with the introduction of Biometric System in the Court. The initiative for the new system was taken by Mr. Manoranjan Kavi, Principal District and Sessions Judge, Jamtara.



Two toilets of International standard were constructed in the Civil Court premises, Ranchi



High Court of Jharkhand
NEWSLETTER

**COURT ON ITS
OWN MOTION**

NEWSLETTER

2015

COURT ON ITS OWN MOTION

WP (PIL) NO. 1746/2015

The Telegraph
Today's Edition calcutta, india
Saturday, May 30, 2015

Hunt on for kids in Maoist dens
- Joint forces fan out in forests, neighbour states alerted

Sudhir Kumar Mishra



On May 22, Jharkhand High Court had slammed DGP D.K. Pandey for failing to rescue the abducted children and sought details of programmes initiated in rebel-hit districts.

The high court had initiated a PIL suo motu on April 23 following a report published in a local daily, claiming rebels had taken away around 30 children from Gumla villages to train them in guerrilla warfare.

IMPACT- 13 children recovered out of total missing children.

WP (PIL) NO.1806/2015

The Telegraph
Today's Edition calcutta, india
Tuesday, May 19, 2015

HC prods state on illegal stone mining

CHANDRANT MURHERJEE



On May 18, Jharkhand High Court today directed the state government to furnish details of leases granted to mines and quarries to curb the operation of illegal stone crusher units whose annual turnover is estimated to be around Rs 20,000 crore.

The court also noted how stones mined from the state found their way into Bangladesh, with the report concluding that if mining activities were as per legal limits, the state would have been richer by several thousand crores of rupees.

IMPACT- Directives sent to State/District level task force to stop illegal mining. Another direction issued to all Deputy Commissioner of the State, Deputy Director, Mines in the light of Hon'ble Court's Order

WP (PIL) NO.2470/2015



On June 17, Jharkhand High Court today imposed a complete ban on cutting trees to widen roads until further orders or prior judicial permission.

The court of Chief Justice Virender Singh and Justice P.P. Bhatt was hearing a PIL initiated suo motu on trees being cut haphazardly to widen roads in the capital. The court observed the state's ecological balance would be disturbed if the felling went on unchecked.

The court said the committee, after surveying road widening and construction sites, will report on whether it was justified to cut trees or they could have been saved with a little planning. The court also ordered the committee to come up with suggestions to avoid cutting trees.

IMPACT- District forest officer directed by issuing letter no. 1322 dt. 13.06.2015 to stop cutting tree till next order in the light of Order of this Hon'ble Court

WP (PIL) NO. 3072/2015



On June 10th, A division bench of Chief Justice Virender Singh and Justice P.P. Bhatt took cognizance of reports published in a section of the local media on the snarl on Harmu Bypass at Kishoregunj Chowk the family had blocked the road with the body of the victim and initiated a suo motu PIL, asking the state government to respond by the middle of next month.

The bench also deplored the protest and those who engineered it. "A crime occurred in the capital and the accused was arrested by police. The law will take its own course, but to hold the city to ransom by blocking a main artery cannot be appreciated and tolerated," it observed.

IMPACT- Criminal case registered, 6 prime accused arrested and sent to judicial custody.

WP (PIL) NO. 3684/2015
WP (PIL) NO. 3694/2015

INDIAN EXPRESS

11 Killed, 50 Injured in Stampede at Jharkhand Temple

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On 10th August 2015, The Jharkhand High Court on Monday took suo motu cognizance of the stampede, as well as of the killing of five women by villagers after branding them witches.

At least 11 people were killed and 50 others injured in a stampede at a temple in Jharkhand's Deoghar town early Monday, police said. Prime Minister Narendra Modi said he was "pained at loss of lives".

IMPACT- Senior police and other officials have been instructed to be vigilant regarding the arrangements of Sraavani Mela. VVIP Darshan was stopped with immediate effect. Also discussed the creation of high quality infrastructure in Deoghar in tune with religious places like "Tirupati" and "Vaishno Devi".

WP (PIL) NO. 3929/2015



On 20th August, The Jharkhand High Court took Suo Moto cognizance of a news item published in a daily newspaper, "Prabhat Khabar" dated 20th August 2015 on its supplementary "Life @ ranchi" at 1st page a news is printed as "Gharon Me Chalaye Ja Rahe Hain Kai Play school; 100 Schoolon Me Padh Rahe Karib 20 Hajar Bachche; Basement Me Bhavishya".

WP (PIL) NO. 4105/2015

HT impact: Help pours in for raped Jharkhand minor

HT Correspondents, Hindustan Times, Ghatsila/Ranchi

Updated: Aug 29, 2015 20:08 IST



A daily wage worker in Jharkhand's East Singhbhum district is forced to carry his 9-year-old daughter, who was raped almost two months ago, to a primary health centre at least four kilometers away everyday. (HT Photo)

On 29th August, Justice Singh, who initiated a PIL suo motu today after reading about her plight in a newspaper report, ordered the chief secretary to ensure the money was handed over immediately to the victim's father, a resident of Hatiapata village in Ghatshila and asked the Jharkhand deputy commissioner to furnish a report on action taken by the district administration to help the family.

Justice Singh also directed JHALSA secretary to coordinate with the secretary of the East Singhbhum Legal Services Authority to ensure that relief was provided to the victim's family.

IMPACT- 1 lakh as interim compensation paid to the victim on 29.08.2015 and the victim girl has been served proper medical and care.

WP (PIL) NO. 4919/2015



On 7th October, The Jharkhand High Court on Wednesday took Suo Moto cognisance of HT report highlighting the lack of toilets in colleges under Ranchi University and has sought replies from the state government and all the five universities in the State to explain the reasons behind missing toilets.

IMPACT- Universities promised to take steps to increase the number of toilets. One of the universities has proposed to hold discussions with different colleges and students on requirement of actual number of toilets.

High Court of Jharkhand
NEWSLETTER

DEVELOPMENT OF LAW

NEWSLETTER

2015

DEVELOPMENT OF LAW

Governmental Contract :-

CORAM : VIRENDER SINGH , C.J. AND APARESH KUMAR SINGH , J.

*The State of Jharkhand vs. M/c CWE-Soma Consortium & Ors.
LPA No. 309 of 2014*

Tender - Cancellation of NIT and retendering on ground of lack of competition - Clause 4. 18(d) applies only if lack of competition is due to restrictive specification which did not permit many vendors to participate - Three companies have participated in which only private respondent is found responsive, as such clause 4, 18(d) cannot be invoked - Other two tenderers have not challenged NIT conditions - Rebidding would be against larger public interest as it may lead to cost escalation - Order of Single Judge setting aside canceling of NIT and rebidding affirmed. Judicial review of Government Contract - Government does have freedom of contract and in certain measures free play in joints is necessary for administrative action - In matter of entering into contract, State does not stand on same footing as a private person - Decision so taken is subject to be tested by application of Wednesbury Principles of Reasonableness.

Government Contract:-

CORAM : VIRENDER SINGH, C.J. AND APARESH KUMAR SINGH, J.

*Central Coalfields Limited vs. Chanani Transport & Ors.
LPA No. 390 of 2014*

Government Contract - Breach of terms - Compensation - Present petition filed for seeking compensation for breach of terms and conditions of agreement between Appellant and Respondent - Whether termination of contract, imposing penalty and invoking bank guarantee against Respondent was justifiable - Held, The impugned letter cannot be said to have been issued in purported exercise of power conferred under the general conditions of the contract as has been found by the learned Single Judge. The instant issue could also have been relegated for adjudication before the learned Civil Court where the parties are in litigation on a claim arising out of breach of the contract. However, in view of ratio laid down by Hon'ble Apex Court in the case of M/s H M Kamaluddin Ansari and Company Vrs. Union of India reported in (1983) 4 SCC 417, the C.C.L could not be enjoined from withholding the amount from other bills of the contractor but it can certainly be enjoined from recovering it or appropriating it to the damages claimed, for the time being, till the claim of the parties arising out of the alleged breach of contract are adjudicated by the competent Civil Court.

Jharkhand Primary Schools Teachers Recruitment Rules, 2012:-

CORAM : VIRENDER SINGH, C.J. AND APARESH KUMAR SINGH, J.

*Kishore Kumar Yadav & Ors. vs. The State of Jharkhand & Ors.
W.P. (S) No. 7508 of 2013*

Rule 21- Vires challenged- quashing of advertisement issued for appointment of Assistant Teachers sought- It is also sought a declaration that qualification of Diploma in Primary Education is not recognised by N.C.T.E. and should not be treated as an essential eligibility qualification as prescribed under impugned Rules, declaration has also been sought that candidates having B.Ed. degree should be considered for appointment as Elementary School Teachers provided they have passed TET- challenge to impugned rules on ground that it does not include qualification of Graduation plus B.Ed degree as a yardstick for preparation of merit list of eligible candidates for such appointment, does not stand test for legal scrutiny- Instant rules framed primarily for recruitment of Teachers who are specially trained to teach in Primary school- For teaching in primary school therefore one must know child psychology and development of child at tender age- Candidate who are trained in B.Ed degree are not necessarily equipped to teach the student of Primary schools and understand psychology of child of a tender age- Held, validity of recruitment rules laying down

Primary Teachers Training Qualification as appropriate for appointment of a teacher in Primary School in contradistinction to qualification of B.Ed.

Compensation in case of death caused in extremist violence:-

CORAM : VIRENDER SINGH, C.J. AND APARESH KUMAR SINGH, J.

*The State of Jharkhand vs. Kaliman Bibi & Ors.
LPA No. 258 of 2013*

Benefit of compensation- Family members of deceased killed by extremist- Single judge while allowing writ petition, directed respondent to extend all benefit to writ petitioner under resolution dated 21st March, 2001- Scheme for enhanced compensation came into force from 21st March 2001- Though scheme of 21st March 2001 cannot be said to have a retrospective effect but claims arising out of such extremist violence not closed till coming into force of new scheme would be definitely covered by its beneficial provisions- Held, impugned judgment does not suffer from any error of law or fact.

Criminal Procedure Code, 1973 - Sections 439 and 389 :-

CORAM : VIRENDER SINGH , C.J., AND D.N. PATEL AND R.R. PRASAD , JJ.

*Lurdhu Marandi & Ors. vs. State of Jharkhand
Cr. Appeal (DB) Nos. 39 and 1411 of 2008; 62 of 2009; 830 of 2013 and 72 of 2014*

Bail-Once bail application of an accused has been rejected, any subsequent bail application is required to be placed before same Bench/Judge, which had rejected earlier application, if that Bench is available - Principle application in matters relating to subsequent of successive application under Section 439 would be applicable to subsequent of successive bail application under Section 389 also in both cases result is that a person, may be an undertrial prisoner or convict, enlarged on bail.

Indian Evidence Act, 1872 - Section 33 - Criminal Procedure Code, 1973 - Section 164 :-

CORAM : VIRENDER SINGH , C.J. AND P.P. BHATT, J.

*Mojib Ansari & Ors. vs. State of Jharkhand
Cr. App. No. 1089 of 2004 with Batch Cases*

Relevance of evidence - For application of Section 33 of Indian Evidence Act, it is mandatory that adversary must have right and opportunity to cross-examine witness, but at the time of recording statement under Section 164, Cr.P.C. there vests no right or opportunity with adversary to cross-examine witness - Section 33 of Indian Evidence Act is not applicable in case at hand - Court cannot legally read statement of victim recorded under Section 164, Cr.P.C. on strength of Section 33 of Indian Evidence Act - However, statement of witness recorded under Section 164, Cr.P.C. itself bears corroborative value.

Indian Penal Code, 1860 - Sections 376(2)(g), 366 and 120B - Kidnapping and gang rape - Conviction - Minor victim subsequently died due to mental insanity and shock - Although accused persons in their confessional statements have denied having committed rape on victim, their disclosure regarding their presence in dead of night with other co-accused persons at a lonely, secluded place, and that too at the time of the commission of rape by their companions, itself amounts to an inculpatory statement - Their statements under section 164, Cr.P.C. squarely come within ambit of a confessional statement falling within ambit of Section 30 of the Indian Evidence Act - An offence affecting woman's bodily integrity and chastity ought to be dealt with sternly - It should also be endeavor of criminal system to stamp out all sorts of criminal proclivities by awarding suitable sentences which are commensurate with gravity of offence under consideration so as to adequately reflect societal condemnation to reprehensible conducts - Court cannot lose sight towards loud cry for justice by society in such heinous crimes of gang rape by a large number of accused persons of different age groups on an innocent hapless teenager girl - There are no extenuating or mitigating circumstances available on record which may justify imposition of minimum sentence on

appellants - Conviction and sentence on appellants - Conviction and sentence awarded by Trial Court partly affirmed.

Criminal Procedure Code, 1973 - Sections 357 and 357-A :- Compensation to victim of crime - Victim of a crime or his kith and kin have a legitimate expectation that State will punish guilty and compensate victim - In contemporary era where state dons welfarist mantle, it becomes imperative for it to provide adequate recompense to victim as it has failed in its mandate to provide security of persons and property - State of Jharkhand is liable to pay compensation to family of deceased - Compensation of Rs. 5,00,000/- awarded.

MR. VIRENDER SINGH CHIEF JUSTICE AND MR. P.P. BHAT J.

Suo motu Cognizance of news relating to sorrow and disheartening aftermath of a poor labourer father and a nine year old rape victim. W.P.-PIL-4105/2015

Suo motu Cognizance of news item published in 'Hindustan Times' dated 29th August, 2015 relating to sorrow and disheartening aftermath of a poor labourer father and a nine year old girl (name not being disclosed), who is victim of rape meted out by cruel person (driver by profession), in Hathipada Village in the jurisdiction of East Singhbhum District was taken at his residence on holiday (Saturday) by the Chief Justice Mr. Virendra Singh and ordered registry to diarise it as public litigation.

As per the news paper, "A local driver lured the victim girl with some chocolate before raping and abandoning her by a riverside with a ruptured intestine early in July. Profusely bleeding and unable to stand or walk, the victim girl crawled to her home about a kilometer away and narrated the ordeal to her parents. She was admitted to a local hospital where her condition worsened and she had to be rushed to nearby Jamshedpur for better treatment, but doctors there could not stop the bleeding and referred her to Ranchi Hospital. She had to undergo a colectomy in Ranchi to remove her damaged intestine and now uses a colostomy bag. After the successful surgery, doctors managed to check the bleeding and discharged her; but her wounds have to be dressed regularly at home. Further it has reported that, today, the father walks four km to the nearest health centre each time, her dressing has to be changed because the Maoist-hit area has no public transport and he cannot afford even a bicycle."

The Court directed State of Jharkhand through its Chief Secretary to pay an interim compensation to the tune of Rupees on lakh to the father of the victim girl. Registry was directed to treat the instant matter as public interest litigation.

At the time of hearing of PIL, the court also directed the Deputy Commissioner, Ranchi to visit to Medanta Hospital to ascertain whether victim has been treated properly or not? Member-Secretary, Jharkhand State Legal Services Authority has also been directed to accompany Deputy Commissioner, Ranchi for this purpose. The court also took notice that the father of the victim is getting financial assistance from different quarters, consequently, directed that it would be appropriate that if the amount which is being deposited in the account of rape-victim by District administration is deposited as FDR initially for one year at least. It has also been made clear that all the financial assistance for follow-up treatment of the rape-victim shall be borne by the State only after the rape-victim is discharged from Medanta Hospital, Ranchi.

Jurisdiction to try cases with respect to prohibited arms or ammunition

CORAM : VIRENDER SINGH, C.J

*Shyam Nureman & Anr. Versus The State of Jharkhand (alongwith 30 batch cases)
Cr. Revision No.412 of 2001*

Trial of the offence under section 25 (1-A), 25 (1-AA), 26 (2) 26 (3) and 27 (2) of the Arms Act held by the Magistrate and order of conviction and sentence passed - Held, the Arms Act is silent about the question as to whether the aforesaid sections are triable by Magistrate or, Court of Session- Under the touchstone of section 29(2) of Cr.P.C as well as First schedule II- classification of offences against other laws, penal Sections 25 (1-A), 25 (1-AA), 26 (2) 26 (3) and 27 (2) of the Arms Act are sessions triable offences - Trial vitiated - remanding of cases for fresh trial, when the prosecution witnesses may not be available or even chances of appearances of the accused also appear to be very bleak, would serve no purpose - All the revisionist were acquitted - Copy of the judgment is directed to be sent to the Principal Secretary, Department of Home,

Government of Jharkhand to direct the Superintendent of Police of all the districts for proper investigation of cases related to prohibited arms and ammunitions.

Criminal Procedure Code, 1973 - Section 164A

CORAM : VIRENDER SINGH , C.J AND P.P. BHATT , J

*Gujua Manjhi @ Gajju Hansada & Ors. Vs. The State of Jharkhand
Cr. Appeal (DB) No. 412 of 2013*

Conviction and sentence under section 366/34 and 376(2)(g) of I.P.C - Appeal against - Victim was medically examined after about 12 hours and as such the same diminishes the possibility of the presence of positive sign of rape particularly when victim is rustic, schedule-tribe illiterate old women - Held -Absence of positive sign of rape in medical evidence in the facts and circumstances of the case would cause no effect on the case of the prosecution, if the evidence of the victim of rape inspires the confidence - A witness should be cross examined on each and every point and failure to cross examine him/her would entail presumption that the accused accepted the evidence or the witness-Appeal Dismissed.

Criminal Procedure Code Section-164A - The doctor or hospital is required to examine a victim of rape if she reports to the hospital directly and voluntarily without a police requisition - Compliance of section 164A of Cr.P.C introduced by Code of Criminal Procedure (Amendment) Act 2005 (w.e.f. 23-06-2006) is binding on the doctors - The registered Medical practitioner, to whom the victim of rape is sent shall without delay examine her and prepare a report of the examination - Copy of the judgment was directed to be circulated for strict adherence on procedure incorporated under section 164A Cr.P.C in its letter & spirit which is of binding nature.

Indian Penal Code, 1860 - Sections 302/34 :-

CORAM : VIRENDER SINGH, C.J. AND P.P. BHATT, J.

*George Lakra & Ors. vs. State of Jharkhand
Criminal Appeal (D.B.) No. 1247 of 2003*

Murder - Common intention - Life sentence - Dispute over partition of jackfruit - Prosecution has not been able to prove its case to hilt so as to sharing of common intention to commit murder of two persons - Informant made an attempt to attribute some overt act to two accused of catching hold in court by way of crude padding but that does not prove culpability of those two accused with aid of Section 34 - Prosecution case qua one accused would fall within mischief of Section 304 Part I instead of Section 302 of IPC - Conviction of accused altered - Appeal partly allowed.

Indian Penal Code, 1860 - Sections 302, 201 and 120-B :-

CORAM : VIRENDER SINGH, C.J. AND P.P. BHATT, J.

*Nishi Rani Kerketta & Ors. vs. State of Jharkhand
Cr. Appeal (DB) Nos. 62, 74 of 2015*

Conspiracy and murder - Screening of evidence - It is a heinous crime in which appellant being wife of deceased, has played a very active role in eliminating her husband in view of her intimacy with co-accused - Appellant who was convicted for main charge with aid of Section 120B, does not deserve concession of suspension of sentence - Prayer declined.

Trial of accused who is suffering from mental disorder

CORAM : VIRENDER SINGH, C.J & P.P. BHATT, J.

*Jagdish Gope vs The State of Jharkhand
Criminal Appeal (DB) 356 of 2014*

Section 329 and 330 of Cr.P.C r/w section 302 of IPC-Trial of accused Suffering from Mental Disorder- In spite of the knowledge about the mental disorder of the accused, the trial court went ahead with trial and recorded statement of PWs and convicted the accused-Trial court committed gross irregularity-entire trial gets vitiated- conviction and sentence set aside- Further held, as accused had already suffered incarceration of 17 years and suffering from mental disorder, remitting the case for retrial is against the interest of justice- Accused acquitted-Nobody from his family extended helping hand throughout the period- While examining the rights of such unfortunate members of the society, necessary directions are required to be issued so that he may not involve in any crime and not seen roaming about in public places - Direction issued for his rehabilitation and for giving him necessary help.

Public Interest Litigation - Cutting of trees in the garb of road construction

CORAM : VIRENDER SINGH, C.J & P.P. BHATT, J

*The Court on Its Own Motion vs. Union of India & Others with batch case
W.P. (PIL) No. 3503 of 2014*

PIL – Suo Motu Cognizance has been taken after noticing that thousands of trees are being cut fearlessly for road construction without proper application of mind in contravention of the Hon'ble Apex Court's Guidelines issued in this regard as also without following the circulars issued by the Ministry of Environment, Government of India - Good road-network is an essential component of any developed state, but while preparing plan for road-network, due care is also required to be taken to save the trees - the State Government is directed to resolve that henceforth all proposals for cutting /removal of trees received shall not be sanctioned in a mechanical manner - All such proposals before being approved by the competent authority, shall be referred to and scrutinized by the High Powered Committee - Further instead of cutting the trees, effort should be made to remove and re-plant the said trees to some other places through the hi-tech machines.

Jharkhand Value Added Tax Act, 2005-Section 18 read with Rule 26 of Value Added Tax Rules, 2006 - Central Sales Tax Act, 1956 - Section 3(a) :-

CORAM : D.N. PATEL AND PRAMATH PATNAIK, JJ.

*M/s Amit Enterprises vs. Central Coalfields Ltd. & Ors.
W.P. (T) No. 5523 of 2013*

Transaction of coal - CST levied @ 6% by Area Sales Officer of C.C.L. is impermissible in eyes of law - Instead of that, it should have been VAT under JVAT Act, 2005 - Respondents directed to make necessary changes and to issue Form JVAT-404 under JVAT 2005.

Urban Land (Ceiling and Regulation) Act, 1976 - Section 10 (1) - Urban Land (Ceiling and Regulation) Repeal Act, 1999 - Section 3 :-

CORAM : D.N. PATEL AND RATNAKER BHENGRA , JJ.

*State of Jharkhand through the Deputy Commissioner, Dhanbad vs. Savitri Devi & Ors.
L.P.A. No. 438 of 2012*

Vesting of excess land - Unless Government has taken over possession of excess vacant land, as per Section 3 of Repeal Act, 1999, land which is excess vacant land, will continue to remain with holder of land - Government cannot claim ownership upon property at all.

Labour and Industrial Law :-

CORAM : D.N. PATEL AND RATNAKER BHENGRA , JJ.

Smt. Samari Mahatawin vs. The Eastern Coalfields Ltd. & Ors.
L.P.A. No. 303 of 2014

Compassionate appointment - Appellant seeking employment for her step-son, after she was declared medically unfit - Biological parents and brother of her step-son are alive and also in service of respondents - Documents on record indicate that step son has been named as dependent in service record of more than one person - Writ petition was rightly dismissed by Single Judge.

Service Law :-

CORAM : D.N. PATEL AND PRAMATH PATNAIK, JJ.

Shyam Sundi vs. The Union of India & Ors.
W.P. (S) No 6308 of 2008

Removal - Petitioner had come at place of employment under influence of liquor and snatched away documents and used filthy language - In view of proved misconduct, punishment inflicted by respondent authorities is absolutely proper and in consonance with nature of misconduct.

Jharkhand Buildings (Lease, Rent and Eviction) Control Act, 2011 - Section 1 - Constitution of India - Article 323 (B) (2) :-

CORAM : D.N. PATEL AND PRAMATH PATNAIK, JJ.

Basant Prasad vs. State of Jharkhand & Ors.
W.P. (C) No. 5499 of 2014

Rent Control Act, 2011 has not been brought into force because State of Jharkhand has not issued necessary notification under Section I thereof - Power delegated to SDO cannot be exercised by him - Proceeding before SDO quashed.

Judicial Review :-

CORAM : D.N. PATEL AND RATNAKER BHENGRA , JJ.

Rahe Matsya Jivi Sahyog Samittee Ltd. vs. State of Jharkhand & Ors.
LPA No. 284 of 2014

Governmental Policy - Policy is bound to be changed and it cannot be stagnant - High Court will be extremely slow in interfering with policy decision of Government - Government has its own priorities - Court cannot replace even a better policy in place of existing one - Court cannot decide whether earlier co-operatives societies registered under Act of 1935 or subsequent Co-operative Societies registered under Act of 1996, should be treated at par with each other.

Guardians and Wards Act, 1890 - Sections 10 and 25 :-

CORAM : D.N. PATEL AND PRAMATH PATNAIK, JJ.

Mrs. Khursheeda Khatoon & Ors. vs. Md. Shaid Aktar
F.A. Nos. 227 of 2012 with I.A. Nos. 1577, 1578 and 6102 of 2014

Custody of minor son - Right of father - Mother of child is no more - Appellants have forcefully retained custody of child - Welfare of child is with respondent father - Respondent is a Government employee and minor boy will have company of his father and elder brother and also other family members at his house - Custody was rightly given to respondent.

Indian Penal Code, 1860 - Sections 120B and 420 read with Sections 13(2) and 13(1) (d) of Prevention of Corruption Act, 1988-Criminal Procedure Code, 1973-Section 239:-

CORAM : R.R. PRASAD, J.

*Avrendra Kumar @ Amarendra Kumar vs. State of Jharkhand through C.B.I.
Cr. Revision No. 106 of 2015*

Conspiracy and Cheating - Rejection of discharge application - Authentication of any information given under Column nos. 7, 8 and 9 was never required to be authenticated by petitioner - Petitioner cannot be said to have done any wrong - Prosecution of petitioner would be quite illegal - Petitioner discharged from case.

Prevention of Corruption Act, 1988 - Section 19 - Criminal Procedure Code, 1973 - Section 197 :-

CORAM : R.R. PRASAD, J.

*Satyanand Bhokta @ Satyanand vs. State of Jharkhand & Anr.
Cr.M.P. No. 1497 of 2014*

Sanction for prosecution of Public Servants - When alleged acts were done petitioner was Minister of Agriculture but at the time of filing of complaint or taking cognizance, he was never holding office of Minister - Thereby, question of obtaining any sanction in terms of Section 19 of P.C. Act does not arise - Allegations under petitioner are that of misappropriation, cheating, forgery and conspiracy which acts can never be said to have been done in discharge of his duties and sanction was not required under Section 197.

2015 (3) JCR 789 (Jhr)

CORAM : R.R. PRASAD J.

*Dr. Dukhit Ram Vs. State of Jharkhand
Cr.M.P. No. 596/2015 D/o- 26.6.15*

Sections 482 Cr. P. C. – S.311 Cr. P. C. - AHD Scam – explanation to S.47 of Indian Evidence Act - Competency of witness to prove certain documents who is not acquainted with the writing of accused-petitioner – Objection raised on behalf of some accused over the competency of the witness. Held, objection be decided as mandated by the provision as contained in Section 47 of the Indian Evidence Act. When the court has to form an opinion as handwriting of a person, the opinion of the person acquainted with the handwriting of such person is admissible in evidence, but it must be proved that witness is acquainted with the handwriting in question.

2015 (4) JCR 301 (Jhr)

CORAM : R.R. PRASAD & PRAMATH PATNAIK JJ.

*Somra Oraon Vs. The State of Jharkhand
Cr. Appeal (DB) 91/05 D/o- 20.07.15*

Indian Penal Code, 1860 Sections 302 IPC – Conviction – Life Sentence - appreciation of evidence - Murder during course of altercation between the accused-appellant and the deceased was admitted by Informant. Exception 4 of Section 300 IPC is attracted. Conviction of the appellant under Section 302 IPC altered to one under Section 304 Part II of IPC and appellant is sentenced to period undergone.

2015 (4) JCR 251 (Jhr)

CORAM : R.R. PRASAD & PRAMATH PATNAIK JJ.

Indradeo Vishwakarma & Anr. Vs. The State of Jharkhand
Cr. Appeal (D.B.) No. 1125, 1160 of 2005 D/o- 29.07.15

Indian Penal Code, 1860. Sections 395, 364A, 120B & 412 IPC – Section 15 of Juvenile Justice (Care and Protection of Children), Act, 2000 - Conviction – Life Sentence - appreciation of evidence – Plea of juvenility of Convict Indradeo Vishwakarma was taken for the first time before High Court and declared as a Juvenile - Conviction of Juvenile affirmed on merit – Juvenile convict, presently of the age of 29 years, already served sentence for more than 8 years which is more than 3 years, the maximum period provided under S.15 of J.J. Act - Sentence of Juvenile convict is set aside and discharged from the liability of bail bond.

CORAM : R.R. PRASAD & PRAMATH PATNAIK JJ.

Gopal Singh Vs. The State of Jharkhand
Cr. (Jail) Appeal (D.B.) No. 1144/2009 D/o- 29.09.2015

Indian Penal Code, 1860 Sections 302/ 307 IPC – Murder - Conviction – Life Sentence - appreciation of evidence. Doctor who had held autopsy on the dead body of deceased was not examined by the prosecution instead of that Post-Mortem Report was proved by a formal witness who in his cross examination testified that he was not acquainted with the Doctor. Held, Post-Mortem Report cannot be taken into admissible piece of evidence. The prosecution cannot be said to have proved the case of homicide. As such, no evidence is there to prove that the injuries caused by the appellant were sufficient to cause death. Appellant guilty for the offence under Section 307 of the Indian Penal Code on account of assault being made upon the deceased. Appellant, in custody since more than 13 years, is sentenced for the period already undergone.

Indian Penal Code, 1860 - Section 302 :-

CORAM : R.R. PRASAD AND PRAMATH PATNAIK, JJ.

Purna @ Puna Bauri vs. State of Jharkhand
Cr. (Jail) Appeal (D.B.) No. 220 of 2008

Murder of baby - Life sentence - Testimony of PWs get corroboration from medical evidence as also from objective findings of I.O.-Prosecution has established that appellant had killed the baby- Appellant had dashed her head against a rock as a result of which she died - Case never falls within parameters of Section 304 Part II of IPC - Appeal dismissed.

Indian Penal Code, 1860 - Sections 302/34 :-

CORAM : R.R. PRASAD AND RAVI NATH VERMA, JJ.

Raghu Hari & Ors. vs. State of Jharkhand
Cr. Appeal (DB) No. 70 of 1998

Murder - Common intention - Life sentence-Dispute over ploughing of field-Testimony of eye-witnesses getting corroboration from medical evidence as well as objective findings of Investigating Officer-There is sufficient evidence to establish that one appellant had intention to commit murder of deceased-That accused convicted for offence under Section 302, IPC instead of Sections 302/34 -Though actus rea was there on part of other appellants but mens rea was never there to commit murder-Those appellants convicted for offence under Sections 323 and 324 of IPC.

Prevention of Witch (Dian) Practices Act, 1999 - Section 3 - Indian Penal Code, 1860 - Sections 302/34 and 85 :-

CORAM : R.R. PRASAD AND PRAMATH PATNAIK, JJ.

*Ashok Paswan & Ors. vs. State of Jharkhand
Criminal Appeal (DB) No. 979 of 2006*

Murder of lady for practising witchcraft - Where accused pleads that intoxication was involuntary, burden of proof is upon him - Appellant never came out with case that intoxication was involuntary one and thereby this protection is not available to him.

Government Contract :-

CORAM : PRASHANT KUMAR, J.

*Arvind Kumar Singh vs. Bharat Sanchar Nigam Ltd. & Ors.
W.P. (C) No. 4501 of 2008*

Earnest money - Forfeiture of part of earnest money after cancellation was done due to fault of petitioner - Petitioner is entitled to get back his entire earnest money - Respondents directed to pay entire earnest money to petitioner.

Indian Penal Code, 1860 - Sections 147, 148, 337 and 504 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Sections 3/4 - Criminal Procedure Code, 1973 - Section 482 :-

CORAM : PRASHANT KUMAR, J.

*Chand Rasid @ Chando Mian & Ors. vs. State of Jharkhand & Anr.
Cr. M.P. No. 69 of 2014*

Assault and hurt - Abuse by caste name - Prima facie, it appears that petitioners abused and insulted informant party in public view - Allegations constitute offence under Section 3 (1) (x) of SC/ST Act - Informant had no grudge to file false case against petitioners - As per Rule 7 of Rules, S.D.P.O. can investigate case because he is not below rank of Dy. S.P.

Electricity Law :-

CORAM : PRASHANT KUMAR, J.

*M/s Bimaldeep Steel Pvt. Ltd. vs. Jharkhand State Electricity Board & Ors.
W.P.C. No. 3517 of 2010 with WPC No. 3881 of 2010.*

Electricity Laws - Quashing of supplementary bill and inspection report - Electric connection given to factory of petitioner w.e.f. 13.3.2004 when Tariff issued by the Jharkhand State Electricity Board was applicable - No provision in it which empowers the JSEB to determine the contract demand of an induction furnace by measuring capacity of crucible - Tariff of 1999 and 2000 issued by Bihar State Electricity Board not applicable in State of Jharkhand - JSERC promulgated another Tariff enforceable from May 2010 - According to this Tariff contract demand of induction/are furnace of consumer can be determined on total capacity of such furnace - In this Tariff clear mention that contract demand will not be determined on basis of measurement - Petitioner entitled to get his contract demand determined on basis of provisions of Tariff of 2010 - Supplementary bill and inspection report quashed - Petition allowed. [Paras 11, 12, 14 to 17]

Government Contract :-

CORAM : PRASHANT KUMAR , J.

*M/s Inox Air Products Limited vs. Steel Authority of India Limited (SAIL) & Anr.
WP (C) No. 296 of 2013*

Government Contract - Forfeiture of bid security - breach of contract - powers of the State under an agreement entered into by it with a private person providing for assessment of damages for breach of conditions and recovery of the damages will be confined only to those cases where the breach of conditions is admitted or not disputed - respondent determined the alleged breach against petitioner however it is not competent to determine the aforesaid question - whether the petitioner or respondent was responsible for committing breach of contract is required to be adjudicated either by a Court or by an Arbitral Tribunal and it cannot be decided by the respondent, who alleges that petitioner had committed such breach - respondent appointed its own person, as sole arbitrator - dispute relating to breach of the contract has not been decided as yet, therefore, at this stage, petitioner, cannot be held liable to pay the damages in terms of bid - further, where loss in terms of money can be determined, party claiming compensation must prove the loss suffered by him - stipulations made in Clause 34 of contract is penal in nature, therefore, it is mandatory for the respondent to prove the loss or damages suffered by it and then only it can claim reasonable compensation - no adjudicatory authority has determined the loss suffered by the respondent, therefore, forfeiture of Bid Security and deduction of amount on account of execution of facilities at the risk and cost of the petitioner, not tenable - direction to respondent to refund the amount already deducted and forfeited from the amount of petitioner. (Paras 11, 12, 15 to 19, 21 and 24)

Bihar and Orissa Motor Vehicles Taxation Act, 1930 :-

CORAM : PRASHANT KUMAR , J.

*M/s Tata Engineering & Locomotive Co. Ltd. vs. The State of Bihar & Ors.
C.W.J.C. No. 33 of 1994 (R)*

Bihar and Orissa Motor Vehicles Taxation Act, 1930, Section 6 - Constitution of India. Articles 226/227 - Petitioner company engaged in manufacture and sale of commercial vehicles, vehicle chasis, dumpers/ trippers - After manufacturing at its Jamshedpur factory sends the same to various sale centres - Road tax and additional road tax collected levied on various vehicles in the State of Bihar - Writ Court held petitioner not liable to road tax and additional road tax on vehicles manufactured by it and sent to its various sale centres - Respondent were directed to refund the amount realised from the petitioner-company - Petitioner can succeed only if it succeeds in proving the fact the it has not passed on the burden of tax to third parties - Petitioner averred in supplementary affidavit to that effect but annexed no documents in support of the contention - Petitioner could not establish that it has not passed on the burden of road tax and additional road tax to third parties - Petitioner not entitled to claim refund of tax collected from it - Writ Petition dismissed. (Paras 8 to 10)

Electricity Act, 1910 :-

CORAM : PRASHANT KUMAR , J.

*M/s Bharat Rubber Re-Generating Company Ltd. vs. Jharkhand State Electricity Board, Dhurwa, Ranchi
W.P. (C) No. 294 of 2011*

Electricity Act, 1910, Sections 39 and 44 - Proceedings under - General Manger-cum-Chief Engineer found consumer was indulged in mal-practice and theft of energy - Board is entitled to raise bill against consumer as per Clause 16.9A of the Tariff - Penal bill issued with direction to pay the amount within 15th November, 2010 - Invoking of writ jurisdiction against - Maintainability of - Perusal of materials on record - Order passed by the concerned authority is based on evidences available on record - Order passed by the concerned authority is based on evidences available on record with reasons - Neither unreasonable nor perverse - If administrative order is fair and reasonable based on materials on record by giving aggrieved party fair

treatment of hearing, it is not open for the writ Court to substitute its judgment for that of administrative authority - No interference warranted - Petition dismissed. (Paras 7, 10 and 11)

Indian Forest Act, 1927 - Sections 33 and 63 - Forest (Conservation) Act, 1980 - Sections 2 and 3 :-

CORAM : H.C. MISHRA , J.

*S.H.A. Kazmi & Ors. vs. State of Jharkhand & Anr.
Cr. M.P. Nos. 918, 1078, 1149, 1150 with 1151 of 2003*

Forest offence - There is no provision for vicarious liability under Sections 33 and 63 - In absence of any specific averment/allegation against petitioners in prosecution reports, institution of cases against petitioners for offences under Sections 33 and 63 and cognizance taken against them, are absolutely illegal.

Indian Forest Act, 1927 - Section 33 - Criminal Procedure Code, 1973 - Section 482 :-

CORAM : H.C. MISHRA , J.

*A. Kalam vs. State of Jharkhand & Anr.
Cr. M.P. No. 1342 of 2003*

Forest Offence - Illegal mining of coal in protected forest area - Seizure of Pay Loader - There is an order passed by High Court in favour of BCCL, entitling it to carry on mining operation - Prosecution launched by respondents against petitioner and other officials of BCCL is absolutely illegal - Criminal proceeding quashed.

Representation of People Act, 1950 – Section 100(1)(d)(iv) r/w Section 51 :-

CORAM : H.C. MISHRA, J.

*Dr. Suraj Mandal versus Dr. Ravindra Kumar Ray & Anr.
Election Petition No. 2 of 2014*

Election of returned candidate challenge taking plea by petitioner that his polling agent was not allowed to work as such at different polling booths- non-attendance of polling agents in the polling booths shall not vitiate the election process only on that ground - Under section 100(1)(d)(iv), though any non-compliance of statutory provision shall be ground for declaring the election to be void, but it must be clearly shown that said non-compliance had materially affected the election process of returned candidate-returned candidate had got more than three lacs and fifty thousand votes whereas petitioner had got only about seven thousand votes and there were twelve more candidates in between them who had got more votes than petitioner thus, election process cannot be said to be materially affected due to non-attendance of polling agents of petitioner because even if his polling agent was allowed to work, he would not have been able to bridge the sea gap of votes between returned candidate and him- petition dismissed.

Criminal Procedure Code, 1973, Section 219 :-

CORAM : H.C. MISHRA, J.

*Bindeshwari Choubey & Ors. versus The state of Jharkhand & Ors.
W.P. (Cr.) No. 227 of 2013*

Direction of two cases to be tried jointly and the last two cases to be tried separately - Legality of - Four separate criminal cases were instituted on the basis of four separate complaint cases filed against the accused persons - Allegation against the accused persons of receiving the illegal money from the complainants of the pretext of providing employment - Complainants are different in four cases- Separate allegations made in each complaint - Offences were not committed in the same transaction as the money was allegedly taken by the accused persons from different cases-They cannot be tried together by invoking the provisions of

Section 220 of the CrPC - Offences committed within a period of one year and one of some kind though they do not form the part of the some transaction- Provisions of Section 219 CrPC rightly invoked by the trial Court-Revision dismissed with modification that the two cases which have been directed to be tried separately be tried jointly.

Criminal Procedure Code, 1973 - Section 482 and Negotiable Instruments Act, 1881, Section 138 :-

CORAM : H.C. MISHRA, J.

*Anup Kumar versus The State of Jharkhand & Anr.
Cr.M.P. No. 4941 of 2001*

Negotiable Instruments Act, 1881, Section 138 - Pursuant to an agreement of sale of land between the parties a sum of Rs. 2 lacs was paid by cheque as earnest money- Complainant presented the cheque which stood dishonoured due to stop payment notice –Complainant filed complaint against petitioner - Prima facie case found against him-Summon ordered to be issued-Case of petitioner fully covered by M/s. Indus Airways Pvt. Ltd. vs. M/s. Magnum Aviation Pvt. Ltd. & Ors. [2014 (2) JLR 319] - No debt or liability enforceable against the petitioner-No offence made out under section 138 of the Act - Impugned order not sustainable in law- Entire criminal proceeding quashed.

Criminal Procedure Code, 1973 - Section 482 and Mines and Minerals (Development and Regulation) Act, 1957-Section 21 and 22 r/w Section 414/34 of Indian Penal Code, 1860 :-

CORAM : H.C. MISHRA, J.

*Krishna Murari Singh versus The State of Jharkhand & Anr.
Cr. M.P. No.828 of 2012*

Mines and Minerals (Development and Regulation) Act, 1957-Section 21 and 22 r/w Section 414/34 of Indian Penal Code, 1860—Petitioner was having licence and lease for mining purpose however, he illegally mined stones from other place than lease-hold plot - Therefore, no illegality in the institution of police case or order taking cognizance against petitioner under section 414/34 IPC – However, institution of police case and order taking cognizance under section 21 of MMRD Act is absolutely illegal, in view of Section 22 of MMRD Act- order taking cognizance under section 21 quashed.

Criminal Procedure Code, 1973 - Sections 144 and 145 :-

CORAM : D.N. UPADHYAY, J.

*Kartik Mahro vs. State of Jharkhand & Ors.
Cr.M.P. No. 1401 of 2005*

Conversion of Section 144 proceeding into Section 145 proceeding - Since both parties have been claiming possession over land in dispute, it was desirable to convert proceeding under Section 145 to decide factum of possession - Order of reversal passed by revisional court set aside - If possession is lost, then recovery of possession may be decided in civil suit.

Indian Penal Code, 1860 - Sections 363, 376, 342 and 347 - Criminal Procedure Code, 1973 - Section 482 :-

CORAM : D.N. UPADHYAY, J.

*Md. Ainul Ansari alias Md. Ainul alias Khalil Mian vs. State of Jharkhand & Ors.
Cr. M.P. No. 351 of 2002*

Kidnapping, wrongful restraint and rape - Cognizance - Victim is married lady - On sole ground of delay in lodging FIR, FIR cannot be quashed - No ground of malicious prosecution or vengeance has been brought on

record - Question of consent is to be decided by Trial Court - Section 482, Cr. P.C. does not empower court to quash criminal prosecution without giving opportunity to aggrieved to adduce their evidence.

Tender matter - demanded for inserting a clause in the contract for price compensation :-

CORAM : D. N. UPADHYAY, J.

*Monnet Ispat & Energy Limited Vs.
Central Coalfields Limited, through its Chairman-cum-Managing Director & Ors.
W.P. (C) No.5190 of 2014*

Tender matter –Whether a writ of mandamus can be issued directing the respondents to include a clause for price compensation in the contract - It was argued by the petitioner that considering the price index prevailing in the year 2009, tender was submitted by it. The respondents consumed more than four years in securing required permission and clearances and in the year 2014, after lapse of five years, the respondents cannot compel the petitioner to sign the contract for the same value, which was submitted in the year 2009. The petitioner demanded for inserting a clause in the contract for price compensation – Held that the petitioner, at the time of extending the validity of bid and even at the time of accepting LOA, did not raise the question of price compensation. Not only that the petitioner instead of withdrawing the bid had been expressing its willingness to establish and execute the coal washery. The respondents cannot go beyond the terms and conditions of the bid document and, therefore, the request to include specific clause for price compensation in the contract was turned down and the decision of the respondents was not irrational or unreasonable.

Joint family property - Joint property – difference :-

CORAM : D. N. UPADHYAY, J.

*Priya Ranjan Bhagat & Anr. Vs. Saroj Bhagat & Ors.
F.A. No. 379 of 1991(R) with batch cases*

Plaintiffs/Appellants assailed the partition of Schedule-D property- The plaintiffs have raised a plea that the property under Schedule-D was purchased from the joint family fund and from the contributions made by earning members of the family. Nand Lal Bhagat had also contributed to meet the consideration amount. There was a joint family consisting of Late Nand Lal Bhagat and his children and therefore, the property, which the joint family had acquired, is coparcenary - Held there is a thin difference between joint family property and joint property. If the property is acquired from the contributions of the coparceners and the incomes or savings from joint family fund or from the ancestral property, that property would be a joint family property in which each and every coparcener has a right to claim. The property under Schedule-D was purchased from the contributions made by Nand Lal Bhagat and his four sons and the aforesaid property was distributed by executing deed of family settlement in the year 1969. On the date of execution of deed of family settlement, Nand Lal Bhagat and his four sons were alive and they had participated and acknowledged the same. There is no evidence that any family fund was created or amount from that family fund was utilized for purchasing Schedule-D property. Therefore, it was a joint property of Nand Lal Bhagat and his four sons, which they had partitioned during their lifetime according to their choice and will and that cannot be challenged by the descendants of any of the parties.

Jharkhand Control of Crimes Act – S.12(2) :-

CORAM : D.N. UPADHYAY J.

*Md. Mansoor @ Mansoor Alam @ Mansoor Nauwa vs. State of Jharkhand
W.P. (Cr.) No – 261 of 2014 with batch cases*

The petitioners have assailed the detention orders mainly on the ground that under Section 12(2) of the JCC Act, the petitioners cannot be detained for more than three months in one stretch – Held, the provision under Bihar Control of Crimes Act, 1981 (as adopted by the State of Jharkhand) has not been declared ultra vires

and the law has got the statutory force - The present case squarely covered by the judgment of the Hon'ble Supreme Court rendered in the case of Cherukuri Mani Vs. Chief Secretary, Government of Andhra Pradesh & Ors., reported in (2014) 0 Cr.L.J. 2748 - Sub-section (2) of Section 12 of the JCC Act is parimateria to Section 3(2) of the A.P. Act, 1986. Hon'ble Apex Court has discussed and interpreted the aforesaid provision of law and held that a person cannot be detained for more than three months at one stretch if the order is passed under Section 3(2) of the A.P. Act, 1986 -Writ petitions are allowed.

Civil Procedure Code –S.100 :-

CORAM : D.N. UPADHYAY J.

Md Salim Vs. Md. Altav and others
S.A. No. 53 of 1994(R)

The plaintiff had filed eviction suit on the ground of default in paying rent and personal necessity - Plea of appellant - The defendant was not tenant under the plaintiff and he was not a defaulter - Most. Mangri, after the death of her husband did not become absolute owner of the properties adverse to the title of other heirs - Held that the courts below, on the basis of evidences and documents available on record, have held that the defendant was inducted as a tenant in the suit premises in the year 1978 and relation of landlord and tenant between the plaintiff and the defendant exists. This is a pure question of fact, which has been decided concurrently by both the courts below. Further re-appreciation of evidence in the second appeal under Section 100 CPC is certainly not desirable - Second appeal dismissed.

Jharkhand Service Code, 2000 - Rule 74(a)(b)(ii) :-

CORAM : APARESH KUMAR SINGH, J.

Ram Lagan Prasad Singh vs. State of Jharkhand & Ors.
W.P. (S) No. 1070 of 2009

Compulsory retirement-Respondents have adopted short-cut method by invoking Rule 74(a)(b)(ii) by compulsory retiring him purportedly in public interest by giving him three months notice- If order is in nature of punishment and stigmatic in nature, same cannot be saved on ground that it has been passed under Rule 74(a)(b)(ii)-Impugned order is not in nature of compulsory retirement simplicitor under Rule 74(a)(b)(iii)-Impugned order quashed- Petitioner to be reinstated in service without any back wages.

Appointment of Assistant Teachers:-

CORAM: APARESH KUMAR SINGH, J.

Santosh Kumar Tiwari & Ors. vs. The State of Jharkhand & Ors.
W.P. (S) No. 1222 of 2015

Appointment of Assistant Teachers in the Up-graded Middle School - In the final result published by the Jharkhand Academic Council the name of the petitioners have been left out though their names were included in the pending matters in the earlier results by the Jharkhand Academic Council - Whether Petitioner was entitled for appointment - Held, once the result of 24.10.2014 had been withdrawn and the final results have been published only on 18.03.2015, the requirement of Rule 4(3)(Ga) and the conditions under the advertisement, do not stand overridden if the Respondent- JAC itself sought for submission of B.Ed. and other educational qualification certificates even beyond 22.09.2014 by the subsequent corrigendum notifications - if the petitioners have submitted their B.Ed. certificate by the date stipulated under Advertisement, the respondent-JAC is not right in refusing to consider their cases while publishing final result - The result published on 24.10.2014 neither were final nor had any sanctity in the eye of law. The respondent-JAC has itself extended the date of furnishing B.Ed. certificates and on its own acts have given opportunity to the candidates whose results were shown to be pending on 24.10.2014 to submit their certificates on specified date thereafter, there is no reason why their candidature should not have been considered if at all they could have come in merit-list on the basis of their results in the recruitment exercise.

The construction of Rule 7(3) of the Jharkhand Secretariat Services Rules, 2010 :-

CORAM: APARESH KUMAR SINGH, J.

*Krishnadeo Prasad vs. The State of Jharkhand & Ors.
W.P. (S) No. 858 of 2015*

Construction of Rule 7(3) of the Jharkhand Secretariat Services Rules, 2010 – Rule 7 lays down the provision for recruitment to the post of Assistant Grade and Section Officer either through direct recruitment or promotion or Limited Departmental Competitive Examination - Minimum educational qualification required under such Rules – petitioner service conditions have been altered to his disadvantage upon allocation of successor State of Jharkhand - Whether petitioner is entitled for such promotional Grade pay scale - Held, the construction of relevant provisions of Rule 7(3) relating to promotion of regular post cannot be read out of the context to mean that those who have lesser qualification are also entitled for promotion. Opportunity to be promoted to the Assistants Grade is not denied, it is, however, subject to required minimum educational qualification. The State has the power to lay down uniform educational qualification for constitution of cadre. There is no vested right to be promoted to the next higher post. The promotion to any next higher post is to be guided by the Rules which are in vogue on the date of consideration for promotion. A chance of promotion do not constitute conditions of service and as such, mere alteration of chance of promotion would not per se call for judicial interference, unless it is altered, arbitrarily or is shown to be perverse or malafide.

The Qualification and Eligibility Criteria for Appointment to the teaching posts in Dental College - RIMS Act, 2002 - Regulation 6B(ii) & 9B(b) of the Regulation, 2014 :-

CORAM: APARESH KUMAR SINGH, J.

*Dr. Aditya Narnoly & ors. vs. The State of Jharkhand & Ors.
W. P. (S). No.5653 of 2015*

Petitioners have challenged the eligibility criteria prescribed under the advertisement relating to the teaching experience in the matter of recruitment in Dental College – Grounds of challenge - The State Government or RIMS cannot lay down experience qualification above what is prescribed under the DCI guidelines/norms and no sanction of the State Government has been taken for the same – Held, in view of judgment rendered by Hon'ble apex court in Visveswaraiiah Technological University and another Vrs. Krishnendu Halder and others reported in (2011) 4 SCC 606, regarding fixation of the eligibility criteria higher than those fixed by the regulating body is to maintain excellence in higher education; any challenge on those grounds is untenable in law. It is further held that it is not in question that post has been sanctioned by the State Government as per the notification, while constituting the Dental College. The State government accorded roster clearance as per reservation policy. Ranchi University has granted affiliation and recognition of the DCI has also been obtained. This is fully in consonance with the provisions of the Act and Rules, specifically Rule 8. While notifying the Regulation of 2014 on the recommendation of the RIMS Governing Body, it has been consciously provided under Regulation 6B(ii) and also 9B(b) and the notes that the qualification and eligibility criteria for appointment to the teaching posts would be done on the pattern of AIIMS. Thus, the provisions of the Regulation, read in the light of the enabling Act and also the Rules clearly show that the impugned advertisement is in consonance thereof. Laying down of an enhanced teaching experience in the matter of recruitment in Dental College being set up under RIIMS with the aim and object of achieving excellence in Medical education, cannot be questioned.

Departmental Proceeding and Second Show Cause Notice :-

CORAM: APARESH KUMAR SINGH, J.

Sunil Kumar vs. The State of Jharkhand & Ors.
W.P. (S) No. 4584 of 2015

Departmental Proceeding – Second show cause notice - Principle of natural justice – challenged the entire departmental proceeding and second show cause notice on the ground that the proceeding cannot be sustained on the same and similar set of charges once the criminal case has ended in exoneration of the petitioner; secondly, the same inquiry officer in a different capacity cannot impose punishment because it is the violation of basic tenets of principles of natural justice and lastly, imposing a major punishment by issuance of second show cause notice without serving the inquiry report – Held, merely upon exoneration from criminal case, departmental proceeding does not abate because the charges in departmental proceeding were beyond what was alleged in the criminal case. It is further held that it cannot be said that the opinion or notings recorded by the same individual in different capacity in the file can be treated as the final decision in the matter. In view of judgement of the Apex Court in the case of State of Uttranchal vs. Sunil Kumar Vaish reported in (2011) 8 SCC 670, notings recorded in the file is merely a noting simplicitor and nothing more and it merely represents the expression of opinion by a particular individual. It is further held that the second show cause notice enclosing the copy of the inquiry report is the requirement of principles of natural justice and reasonable opportunity. Without enclosing the inquiry report, issuance of second show cause notice is negation of the tenets of justice and denial of fair opportunity.

Jharkhand State Universities Act, 2000 – Section 4, 59 and 60 :-

CORAM: APARESH KUMAR SINGH, J.

Dr. Dular Hajam vs. The State of Jharkhand & Ors.
W.P. (S) No. 4487 of 2015

Jharkhand State Universities Act, 2000 – Section 4, 59 and 60 – Dissolution of Governing Body of affiliated college and constitution of ad-hoc committee of Governing body – Petitioner Challenged the constitution of the ad-hoc Governing Body - Whether the decision has been taken without complying with the provisions of the Universities Act and Statute – Held, under the scheme of the Universities Act and Statute, the Syndicate and the Vice-Chancellor have sufficient powers to inquire into the affairs of such college in matters of the mismanagement and financial irregularities - If The Syndicate and Vice-Chancellor have sufficient reasons to arrive at a decision to constitute a fresh Governing Body and to issue specific directions upon President, Secretary or Principal of college, it cannot be questioned in eye of law – However, provisions of law relating to suspension or dissolution of a duly constituted Governing Body before creation of an ad-hoc Governing Body are required to be followed, otherwise the action would be in teeth of the Universities Act and the Statute.

Departmental Proceeding :-

CORAM: APARESH KUMAR SINGH, J.

Shivmuni Ram vs. The State of Jharkhand & Ors.
W.P. (S) No. 2298 of 2013

Departmental Proceedings – Grounds of challenge – Whether the same person can be judge of his own cause - Natural Justice – Identity of person does not change by holding different posts – Held, if a person appears as a witness in disciplinary proceedings, he cannot be an enquiry officer nor can he pass the order of punishment as a disciplinary authority. This rule has been held to be sacred. An apprehension of bias operates as a disqualification for a person to act as adjudicator. No person can be a judge in his own cause and no witness can certify that his own testimony is true. Anyone who has personal interest in the disciplinary proceeding must keep himself away from such proceeding. The violation of the principles of natural justice renders the order null and void.

Assistant teacher in Elementary School - Grant of Grade-I Scale and Seniority :-

CORAM: APARESH KUMAR SINGH, J.

*Sunil Kumar Bhagat & Ors. vs. The State of Jharkhand & Ors.
W.P. (S) Nos. 2547 of 2014*

Assistant teacher in Elementary Schools - Grant of Grade-I Scale and seniority from the date of initial joining/ appointment – Respondent was asked to issue general executive instructions/circulars laying down clearcut guidelines to deal with the matters of Grant of Grade-I Scale and seniority to untrained teachers appointed in Elementary School, which are covered by the ratio laid down in the case of Arun Sinha & Ors. Vs. The State of Jharkhand & Others. On a query by the court, the respondent-State took a policy decision by resolution bearing memo no. 3027 dated 14.12.2015 wherein the State Government has decided to give seniority to the untrained teachers from the date of their initial appointment. Accordingly, the District Superintendent of Education of respective districts would examine the cases by placing the matter before the District Education Establishment Committee for taking an informed decision in respect of claims of individual petitioners, in accordance of law and the aforesaid policy decision.

Jharkhand Minor Mineral Concessions Rules, 2004 :-

CORAM : SHREE CHANDRASHEKHAR, J.

*M/s RAUS-SCL (JV) & Ors. vs. East Central Railways & Ors.
WP(C) Nos. 4737, 2117, 2127, 2138, 2658, 2687 and 5244 of 2014; 1596, 1602, 1603, 1790, 1795, 1860, 4566
and 4569 of 2013; 395 and 1096 of 2015*

Schedule 2 r/w Sections 2, 3(c) and 15 of Mines and Minerals (Development and Regulation) Act, 1957 and Notification (dt. 3.2.2000) of Central Government - challenge to imposition of royalty on petitioners for using ordinary earth used for filling/levelling purposes in construction of embankments, roads, railways, buildings etc.-State Government has power to fix the rate of royalty for “ordinary earth” used for such purposes and to enforce the payment of royalty for the same, however, for exercising such power the Government has to issue a notification amending Schedule-II to 2004 Rules. State Government has not fixed the rate of royalty for ordinary earth used for such purposes and it has sought to recover royalty for the same contending that “ordinary clay” (the royalty for which was fixed in Notification dt. 27.12.2012 by State Government) would include “ordinary earth” used for commercial purposes - by the said notification “ordinary earth” declared by Central Government as minor mineral was not incorporated in Schedule-II and no rate of royalty for “ordinary earth” has been fixed by the State Government-in view of Section 2(e) of 1957 Act, and notification dt. 3.2.2000, ordinary clay is different from “ordinary earth”-State Government restrained from realising royalty for “ordinary earth” used in instant cases without amending Schedule-II to 2004 Rules and without prescribing rate of royalty for the same.

Sub-Registrar, ignoring the Circular/Notification etc. orders the registration of document pertaining to Government Land, Forest Land etc., shall be liable for prosecution :-

CORAM : SHREE CHANDRASHEKHAR, J.

In the case of Rajrajeshwar Prasad Singh Chandel versus The State of Jharkhand & Ors., [W.P.(C) No. 6184 of 2014 with batch cases], a Single Judge of this Court (S.Chandrashekhar, J) while dealing with a question “whether the registering authority is under a statutory duty to accept a properly stamped deed/document presented for registration, compulsorily and whether the scope of enquiry by the registering authority is confined to section 34 and section 71 of the Registration Act, 1908 only”, held that the scheme of the Registration Act, 1908 makes it abundantly clear that merely because an instrument is properly stamped and it is presented by a person or his representative or assign whose identity can be established, the registering authority is not under a duty to register the same, compulsorily. The registering authority is authorised to make enquiries and he can refuse registration, if he is satisfied that requirements under the Registration Act are not fulfilled or finds that it is against public policy. It is further held that if by government notification/

circular/order, description of certain government properties, forest land etc., have been brought to the notice of the registering officer and the Sub-Registrar ignoring the same, orders registration of a document which comprises government land, forest land etc., the registering officer may be liable for prosecution under Section 81 and thus, the Sub-Registrar can justifiably refuse to register such document.

Clause 10 of Resolution dated 20/5/2004 is invalid & inoperative as it contravenes the National Council for Teacher Education Act, 1993 :-

CORAM : SHREE CHANDRASHEKHAR, J.

In the case of Jharkhand Teacher Training College Association versus The State of Jharkhand & Ors., [W.P.(C) No. 2643 of 2013], a Single Judge of this Court (S.Chandrashekhhar, J) while dealing with challenge to Clause 10 contained in Resolution dated 20.05.2004 whereby, subject-wise quota of seats for admission in B.ed colleges has been fixed, held that the role of the State Government is minimal and it is restricted to devising a selection process for admission of students in B.Ed. course. Since fixing of seat out of total intake capacity for admission of students cannot be said to be a part of selection process of the students, Clause 10 of Resolution dated 20.05.2004 is in the teeth of 2009 Regulations. The requirement which may be prescribed by the State Government must be only additional criteria which relates to maintaining standard of B.Ed. education. The provision under Clause-10 of Resolution dated 20.05.2004 is not a requirement which in any manner leads to maintaining standard of teacher education in the B.Ed. colleges. It is held that Clause 10 in Resolution dated 20.05.2004 contravenes the provisions of the National Council for Teacher Education Act, 1993 and the Regulations made thereunder and thus, the impugned Clause 10 is invalid and inoperative.

All India Council for Technical Education Act, 1987 – Section 3 – All India Council for Technical Education (Grant of Approvals for Technical Institutions) Regulations, 2010 - Clause 4.31, Clause 6 & Clause 10 –

CORAM: SHREE CHANDRASHEKHAR, J.

*Nilai Educational Trust vs. All India Council for Technical Education & Ors.
W. P. (C) No. 1545 of 2015*

Approval to the petitioner's Institute was withdrawn by AICTE - Plea that show-cause notice was vague and alleging breach of the rules of natural justice as the show-cause notice does not disclose the proposed action to be taken by the Council - Held that where no prejudice is caused to the person concerned, interference under Article 226 is not necessary - The petitioner must be deemed to have knowledge of the penalty mentioned in Clause 10 of the 2010 Regulations and one of the penalties is withdrawal of approval. The petitioner cannot claim that it was misled because neither the specific allegations nor the proposed penalty of withdrawal of recognition was specifically put to it. It is not in dispute that on the date when the petitioner submitted application for grant of approval, it was not in possession of the land in question as the alleged sale-deed was cancelled on 25.05.2009 - Under Clause 6, possession of land with clear ownership title is one of the essential conditions for grant of approval for establishing a technical institute. It is further held that hardship which may be caused to students cannot be a ground to permit the institute to run its courses inspite of withdrawal of recognition of AICTE. Though, a student may have right to continue study in the institute where he has taken admission, the student cannot insist that he must be permitted to continue and complete his course from an institute whose recognition has been withdrawn by the AICTE. The court directed that the AICTE in consultation with the State Government should ensure that the students of the Nilai Educational Trust's Group of Institutes are transferred to other institutes.

Societies Registration Act, 1860- Section 23 r/w Rule 12 and Rule 13 of Bihar Societies Registration Rules, 1965 - Cancellation of Registration of Society-

CORAM: SHREE CHANDRASHEKHAR, J.

*Judav, a Non-Government Organization and Society vs. The State of Jharkhand through the Principal Secretary, Department of Registration & Ors.
W.P.(C) No. 6155 of 2013*

Cancellation of Registration of society on the ground of its association with extremist groups - Before the registration authority the plea taken was that on the basis of criminal activity of one of its members, no action can be taken against the society - Plea that report of police authorities or other authorities does not provide any evidence of complicity of petitioner society, therefore, order of cancellation is not sustainable - Held that proceeding before the Inspector General of Registration is a quasi-judicial proceeding. The Inspector General of Registration is competent to examine the affairs of the Society under Rule 12 of the 1965 Rule. As per Rule 13 and Section 23 of Act 1860, primarily the satisfaction must be of the authority passing the order. If the satisfaction recorded by the authority is based on objective examination of the materials on record, the court would not interfere with the order only because another view possibly can be taken. It is sufficient if on materials produced before him, the authority is satisfied that the society has engaged itself in activities, which are subversive of the objects of the society. Plea that no case was registered against the petitioner for the alleged complicity with extremists group and therefore, the reports of the police authorities are liable to be rejected, not sustainable. Unless sufficient materials are gathered against the petitioner, a criminal case could not have been registered against it.

Demand Notice - Recovery of the cost of Hologram -

CORAM: SHREE CHANDRASHEKHAR, J.

*Bhattacharya Bottling Plant Private Ltd. vs. The State of Jharkhand & Ors.
W.P.(C)No. 6141 of 2014*

Demand Notice - for recovery of the cost of Hologram - Challenge that the cost of Hologram cannot be recovered from the petitioner and the plea that the price for affixing Hologram was not included in the price fixed by the Board of Revenue - Held that Clause 7(क) of NIT requires the tenderer to submit bid which would include Hologram cost besides, cost/expenses on various counts and once the petitioner submitted its bid, there would be a presumption that the petitioner has included expenses for each item which are indicated under Clause 7(क). After the petitioner was granted exclusive privilege for manufacture and supply of spiced country liquor, it has to be understood in law that the rate finalised by the Board of Revenue included expenses on each count as indicated in Clause 7(क) and it was accepted by the petitioner willingly and thus, the petitioner cannot raise a grievance when expense factored for affixing Hologram is sought to be recovered by the Excise Department. It was for petitioner to accept or refuse the grant of licence - Notice inviting tender and the licence unerringly disclose that cost of affixing Hologram was included in the bid submitted by the petitioner and the Excise Commissioner has jurisdiction to recover the same -Writ petition dismissed.

Cancellation of Tender -

CORAM: SHREE CHANDRASHEKHAR, J.

*SPML Infra Limited vs. Jharkhand Urja Sancharan Nigam Limited & Ors.
W.P.(C) No. 3980 of 2015*

Notice Inviting Tender (NIT) - Although the petitioner was found L-1 tenderer, tender cancelled and advertisement of fresh tender issued - Plea of the petitioner that decision of the Board of Directors cancelling NIT is extraneous to the express terms of the bid document and arbitrary - Held, the Government ignoring the lowest bid may award the contract to another bidder however, the decision must not be unreasonable and arbitrary - The procedure adopted by the respondents to arrive at a conclusion that NIT should be

cancelled, is faulty and the decision cancelling the NIT and inviting fresh bids is arbitrary. The only reason for which the bid of the petitioner has not been accepted was that the price offered by petitioner was unreasonably high as compared to other similar project awarded to it. How much is too high and how much would be too low, is not known even to the respondent-Nigam and the same is not provided under the NIT. Such a practice would introduce uncertainty in the system which cannot be permitted in a system founded upon the rule of law. The decision taken by the Board of Directors for cancelling NIT and inviting fresh bids is not a mere minor error in the decision-making process. It is further held that even after interfering with the administrative decision, the court may not grant final relief to a person. In view of absence of a legal right in a tenderer to seek mandamus for award of tender, consequent upon quashing of decision of the Board of Directors, Tender Cancellation Notice and, the Advertisement, it was held, the petitioner-company cannot claim award of tender on account of its bid in response to NIT. The court directed the respondents to issue fresh NIT.

School Laws :-

CORAM : PRAMATH PATNAIK, J.

Shobha Verma vs. State of Jharkhand & Ors.
W.P. (S) No. 4124 of 2008

Appointment - Denial of approval to appointment as Matric Trained Assistant Teacher - Petitioner was possessing qualification of "Shikshalankar" from Rastriya Patrachar Sansthan, Kanpur which is equivalent to B.Ed. qualification duly recognized by them State of Bihar - NCTE Act, 1993 can not be applied with retrospective effect to defeat benefit of appointment genuinely granted on the basis of valid certificate issued by Institution which was duly recognized by State Government of Uttar Pradesh - Appointment of petitioner could not have been terminated - Petitioner to be reinstated in service with 25% back wages.

School Laws :-

CORAM : RONGON MUKHOPADHYAY, J.

Most. Rabina Sultana vs. State of Jharkhand & Ors.
W.P. (S) No. 61 of 2011

Appointment- Cancellation of appointment as Para Teacher in upgraded middle school - No notice had been given to petitioner prior to issuance of impugned order - Impugned order is thoroughly a non-speaking order and not in accordance with law and violative of principles of natural justice - Impugned order set aside and matter remanded back for fresh decision.

Indian Penal Code, 1860 - Sections 420/120B - Criminal Procedure Code, 1973 - Section 482 :-

CORAM : RONGON MUKHOPADHYAY, J.

Abhinandan Prasad Sinha & Anr. vs. State of Jharkhand & Anr.
Cri. Misc. Petition No. 1242 of 2013

Cheating and conspiracy - Petitioners are authorised officer and Branch Manager of Bank - There was no intention on part of petitioners to thrust upon a successful bidder a property which was not in Physical possession of Bank - It was for intending purchaser to verify himself in all respects as to title and encumbrance of property - After having encumbrance of property he cannot take recourse to criminal proceeding on ground that Bank had induced him into depositing earnest money - Criminal proceeding quashed.

Service Law :-

CORAM : RONGON MUKHOPADHYAY, J.

Dwarika Prasad vs. State of Jharkhand & Ors.

Promotion - To post of Assistant - In spite of clarifications issued on question of promotion of petitioner from post of peon to post of clerk, obstacles were created by then Joint Secretary - Petitioner was never issued any show cause notice not afforded opportunity of hearing - Secretary, while passing order, did not consider his limited powers in reviewing earlier order of his predecessor as no new facts had emerged for reconsideration of his earlier orders. Impugned order set aside.

Indian Penal Code, 1860 - Sections 465 and 504 - Criminal Procedure Code, 1973 - Section 482 :-

CORAM : RONGON MUKHOPADHYAY, J.

Ashok Kumar Singh & Anr. vs. The State of Jharkhand & Anr.
Cr. Misc. Petition No. 200 of 2002

Forgery and intentional insult - Cognizance - Criminal prosecution of officials of Telecom Company for not refunding security deposit of Sim card surrendered by complainant - Matter relates to services rendered by Telecom Company - Appropriate remedy for complainant is to move Consumer Forum - No offence under Section 465 and 504 not made out against petitioner.

Indian Penal Code, 1860 - Sections 312 and 318 - Criminal Procedure Code, 1973 - Section 482 :-

CORAM : RONGON MUKHOPADHYAY, J.

Dr. Nargish Paul vs. State of Jharkhand & Ors.
Cr. M.P. No. 1302 of 2002

Alleged termination of pregnancy due to medical negligence - Cognizance - Opinion given by Medical Board established that death had occurred on account of premature birth of baby - Factum of concealment of birth by secret disposal of dead body is absent - There was no gross medical negligence in order to constitute criminal liability - Continuation of criminal proceeding would be abuse of process of court - Order taking cognizance quashed.

Indian Penal Code, 1860 - Sections 498A and 323 - Criminal Procedure Code, 1973 - Section 482 :-

CORAM : RONGON MUKHOPADHYAY, J.

Shakti Tiwari & Ors. vs. State of Jharkhand & Anr.
Cr. M.P. Nos. 74/02 and 4963 of 2001

Cruelty and grievous hurt - Cognizance - No witnesses have been produced on point of her being turned out from her matrimonial house - Allegations are general and omnibus in nature - Complaint petition does not disclose that mental cruelty upon complainant continued unabated as only grounds taken is that husband of complainant did not come and take her back to her matrimonial home - Order taking cognizance quashed.

Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 12 :-

CORAM : RAVI NATH VERMA, J.

Ram Sahay Pahan vs. State of Jharkhand
Cr. Revision no. 121 of 2015

Bail to juvenile delinquent - Murder Case - Petitioner was declared as juvenile by competent court - Grant of bail is rule and refusal is an exception - Bail granted subject to conditions that one of the bailor must be the father of the petitioner and since the petitioner in this case is represented through his father, he is directed to produce the petitioner in court below on each and every date in the case till the completion of the inquiry.

Criminal Procedure Code, 1973 - Section 353 (6) :-

CORAM : RAVI NATH VERMA, J.

Pappu Sah @ Bishwanath Sah vs. State of Jharkhand
Cr. Revision No. 129 of 2015

Cancellation of bail and issuance of arrest warrant - Even if petitioner was not present in court at the time of pronouncing judgment, it was duty by Presiding Officer to pronounce judgment and since same has not been followed, order directing to cancel bail of petitioner is not sustainable in eye of law - Consequent direction to issue non-bailable arrest warrant is also bad in law - Bail Order restored.

Criminal Procedure Code, 1973 - Section 319 :-

CORAM : RAVI NATH VERMA, J.

Hare Ram Mahto & Ors. vs. State of Jharkhand & Anr.
Cr. Revision No. 683 of 2009

Summoning of additional accused to face trial - Power under Section 319 is an extra ordinary power and should be used very sparingly - When final form is submitted discharging accused, higher standard or opinion is required to be formed for invoking jurisdiction to summon a person as additional accused to face trial with other accused persons - Sufficient and cogent reasons are required to be assigned - Mere ipse dixit would not serve purpose.



High Court of Jharkhand
NEWSLETTER

E-COURT STATUS'2015

NEWSLETTER

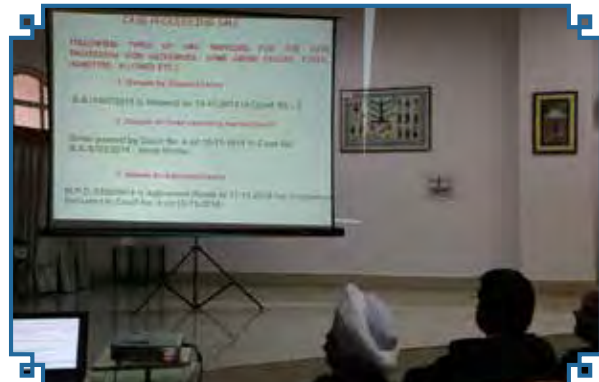
2015

E-COURT STATUS'2015

- **Inauguration of SMS Services & Online Display Board on 18th November, 2014 by Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand.**

The SMS services for providing information regarding hearing of cases to the Advocated of the High Court has been formally inaugurated by **Hon'ble Mr. Justice Virender Singh**, Chief Justice, High Court of Jharkhand in presence of Hon'ble Judges of the High Court, Members of Registry and the Bar Members. At present following SMS services are being provided.

1. Dairy /Case Registration No.
2. Defective Case during Stamp Reporting
3. Sending Case No. after scrutiny
4. Case Proceeding Details
5. Certified copy status
6. Cause list status



Further, the service of “**Online Display Board**” has also been inaugurated by His Lordship **Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand** which provides the facility of online information of running cases of the courts functioning in the High Court of Jharkhand on the website.

- **Distribution of the new Samsung Tabs with SIM Cards having data & voice plan to all the Judicial Officers of the State of Jharkhand.**
- **Distribution of new Dell Latitude 3440 (i5 4th Generation) Laptops to the Judicial Officers of the State of Jharkhand.**
- **Draft of Civil & Criminal Courts Rules has been finalized by the Process Reengineering Committee formed for the purpose.**

A draft of **Civil Court Rules & Criminal Court Rules, 2015** has been drafted by the Process Reengineering Committee as nominated by the Hon'ble the Chief Justice of High Court of Jharkhand under the e-Courts Project. The Process Reengineering Committee was headed under the Chairmanship of Hon'ble Mr. Justice Vikramaditya Prasad (retired High Court Judge), two Advocates of District Courts, Ranchi, One senior Staff of District Courts, Ranchi in presence of Central Project Coordinator & Director Judicial Academy, Ranchi. The said draft has also been transmitted to E-Committee, Hon'ble Supreme Court of India.

- **Online Inauguration of Seven new Video Conferencing Trial Court Rooms in the District Courts of Bokaro, Jamshedpur and Dhanbad under the e-Courts Project.**

Six new e- Trial Court Rooms had been jointly inaugurated by **Hon'ble Mr. Justice T.S. Thakur, Judge Supreme Court of India and Hon'ble Mr. Justice A. R. Dave, Judge Supreme Court of India, Hon'ble the Chief Minister of Jharkhand Mr. Raghubar Das, Hon'ble Mr. Justice Virender Singh**, Chief Justice, High Court of Jharkhand, Hon'ble Mr. Justice D.N. Patel, Chairman, E-Committee, High Court of Jharkhand on the occasion of 13th National Meet of State Legal Services Authorities held on 21st March, 2015 at Ranchi. As on date, we have eight e-Trial Courts functioning in the State of Jharkhand in the District Courts of Ranchi, East Singhbhum Jamshedpur, Bokaro and Dhanbad.

- **Signing of Memorandum of Understanding (MoU) between Central Government, State Government and the High Court for sustaining the e-Court Project**

The Memorandum of Understanding (MoU) for effecting implementation of the e-Court integrated Mission Mode Project (MMP) has been signed between the Ministry of Law and Justice, Department of Justice, Government of India, the State of Jharkhand and High Court of Jharkhand.

- **New Drupal Website have been created for all 22 Districts of the State of Jharkhand under the e-Courts Project**

The new websites for 22 District Courts of the State Jharkhand has been created in ecourts.gov.in Drupal template under the e-Courts Project and the all are functional now. All information of the concerned judgeships is being uploaded & maintained by the concerned District Courts.

- **Data of cases of District Court are being uploaded on National Judicial Data Grid under the e-Courts Project.**

- **Backlog cases data entry of District Courts Ranchi is being done under the e-Courts Project.**

Provision of VPN (Virtual Private Network) to 22 District Courts of the State of Jharkhand under e-Courts Project

The VPN (Virtual Private Network) connectivity of 512 KBPS with land line incoming facility of BSNL has been provided to all the District Courts of the State of Jharkhand under the e-Courts Project for one year utilizing the fund transferred from NIC, New Delhi.

- **New Video Conferencing facility for 10 Courts and corresponding Jails of the State of Jharkhand.**

New Video Conferencing equipments have been supplied by E-Committee, Hon'ble Supreme Court of India in 10 locations of District & Subordinate Courts and corresponding 10 Jails in order to conduct VC between Jails and Courts.

- **Refresher Courses on Ubuntu CIS for all the Judicial Officers of the State of Jharkhand under the e-Courts Project.**

The E-Committee of Hon'ble the Supreme Court of India has provided training to the nominated Master Trainers in PUNE CIS and accordingly their knowledge has been enhanced by giving further refresher training courses from time to time in order to impart the same amongst all the Judicial Officers of the State of Jharkhand.

A continuous **“Refresher Training Programme on use of Computers, CIS, Spreadsheet, Word Processing and Operating System”** has been started in Jharkhand Judicial Academy, Ranchi starting from 27th June, 2015 in the batches of 21 to 25 per trainee in each batch. The said training is being imparted by ten Judicial Officers cum Ubuntu CIS Master Trainers of E-Committee. Further, four more Judicial Officers have been designated as Ubuntu Master Trainers in the State of Jharkhand who are also imparting training to the Judicial Officers of the State of Jharkhand in batches.

- **Issuance of web copies of Order(s) / Judgment(s) from help desk units of the District Courts of the State.**

A direction of E-Committee of High Court of Jharkhand has been forwarded to all the Judgeships of the State for setting up separate counter at the Judicial Service Center of each District Courts for supplying web copies of judgments / orders to the litigants, Advocates and citizen on payment of Rupees Three only per page for providing the Case information available in the CIS to them.

- **Nomination of National Master Trainer, DSA & SAs under the e-Courts Project**

Training on PUNE CIS software have been imparted amongst the District Court staffs and after successful completion of training, they have been designated as **District System Administrators (DSAs) & System Administrators (SAs)**. Further, One DSA was nominated by the E-Committee, Supreme Court of India to take training for becoming a National Trainer held from 13th to 15th December, 2014 at Chandigarh Judicial Academy and after successful completion of this training he has been designated as National Master Trainer. Initially, E-Committee has nominated eight District Courts computer knowing staff as DSA but later on six more District Court staff from the trained System Administrators have also been nominated as DSA and they have undergone training of **“Refresher cum Advanced training Programme on National Core Version of CIS 2.0”** at Odisha Judicial Academy, Cuttack in the training programs held from 1st to 5th March, 2015.

- **Implementation of Citizen Centric Services under the e-Courts Project.**

The E-Committee, Hon'ble Supreme Court of India has provided a list of Citizen Centric Services for its implementation under the e-Courts Project in order to provide benefits to litigants. Out of the said list of Citizen Centric Services the below mentioned services are functional as on date.

Sl. No.	28 Citizen Centric Services
1.	Filing at Judicial Service Center and generation of Receipt containing filing number.
2	Push SMS facility on filing , registration, listing and disposal of case
3.	Template for writing judgments giving name of court, title, name of parties and date of filing of case
4.	Judgments are to be stored in the Server, which can be accessed by authorized persons from Court or Copying Agencies etc.
5.	Judgments on Internet Website with search facility
6.	Cause List on Internet (with Searchable Fields)
7	Court Diaries and Court Calendars to be generated automatically
8	<p>Case Status on Internet</p> <ol style="list-style-type: none"> 1. Case Number 2. Case Title 3. Advocate Name 4. Court 5. Location of Court 6. Next date of hearing 7. Purpose of listing 8. How many times listed for same purpose? 9. Lower Court details, if matter is pending in higher court. <p>If matter is pending in lower court then information as to whether any appeal/ revision has been filed against an order / judgment.</p>
9	Applying and supplying of Certified copies at JSC with status on the District Court Website.
10	Daily Orders on Internet Website.
11	<p>Website for each District Court.</p> <ol style="list-style-type: none"> 1. Website for each district court. Template to be designed by NIC. 2. Updation and customization should be user friendly. 3. Court Forms, requirements and sample pleadings for litigants and lawyers on website. 4. Judges on leave information on District Court Website with details about Court handling his / her cases. 5. List of Police stations with concerned Courts to which those police stations are attached. 6. Information regarding pecuniary and territorial jurisdiction of courts. <p>Information on Section/ Act wise punishment and bailable / non-bailable</p>
12	SMS services for District Courts of the State of Jharkhand.



High Court of Jharkhand
NEWSLETTER

**HUMAN RESOURCE IN
THE HIGH COURT OF JHARKHAND
AND
DISTRICT & SUBORDINATE JUDICIARY**

NEWSLETTER

2015

**THE HIGH COURT OF JHARKHAND
AND
DISTRICT & SUBORDINATE JUDICIARY**

**STATEMENT SHOWING VACANCY POSITION OF THE DIFFERENT POSTS
IN THE ESTABLISHMENT OF THE HIGH COURT OF JHARKHAND, RANCHI**

Sl. No.	Name of the Post	Sanctioned Strength	Working Strength	Vacancy
1	Registrar(Establishment)	1	1	0
2	Joint Registrar(Non Judicial)	3	2	1
3	Deputy Registrar	7	3	4
4	DR cum PPS to Hon'ble the Chief Justice	1	0	1
5	Senior Secretary to Hon'ble Judge	5	1	4
6	Secretary to Hon'ble Judge	20	16	4
7	Assistant Registrar	68	34	34
8	Court Master	20	8	12
9	Deputy Director (Translation)	1	1	0
10	Section Officer	136	103	33
11	Oath Commissioner	1	1	0
12	Stamp Reporter	1	1	0
13.	Sr.PA	35	16	19
14	Translation officer	1	1	0
15	Personal Assistant	52	39	13
16	Assistant	271	169	102
17	Cashier	1	1	0
18	Translator	2	1	1
19	Legal Assistant	20	19	1
20	Assiatnt Librarian	1	1	0
21	Junior Translator	1	1	0
22	Typist	10	9	1
23	Ex Cadre Assistants	7	7	0
24	Assistant Court Officer	1	0	1
25	Telex Operator	1	0	1
	TOTAL	667	435	232

**STATEMENT SHOWING SANCTIONED STRENGTH ,WORKING STRENGTH
AND VACANCIES OF THE JUDICIAL OFFICERS IN THE JHARKHAND
JUDICIAL SERVICE AS ON 31ST DECEMBER, 2015**

Cadre	Sanctioned Strength	Present Strength	Vacancy	Remarks
Superior Judicial Service	65	45	20	
	145	116	28	
Total	210	161	49	
Civil Judge (Sr.Div)	116	87	29	
Civil Judge (Jr Div)	266	218	48	
Grand Total	592	466	126	

**NUMBER OF JUDICIAL OFFICERS ASSIGNED WITH NON JUDICIAL
DUTIES IN THE STATE AS ON 31ST DECEMBER, 2015**

Sl.No.	Rank/Code	Number of Officers
1	Principal District Judge	07
2	District Judge	07
3	Civil Judge (Sr.Div)	04
4	Civil Judge (Jr.Div)	02
	Total	20

**HUMAN RESOURCE (CLASS-III & IV) OF DISTRICT & SUBORDINATE
COURTS IN THE STATE OF JHARKHAND**

Cadre	Name of The Post	Sanctioned Strength	Working Strength	Vacancy
Class III	1. Assistant 2. Stenographer 3. Typist	2495	2224	271
Class IV	1.Driver 2.Peon 3.Mali 4.Daftari 5.Sweeper 6.Waterman 7.Treasury Sarkar 8.Zerox-cum-Zenerator Operator	2173	1699	491

□□□

High Court of Jharkhand
NEWSLETTER

**JUDICIAL WORK & STATISTICS OF
HIGH COURT OF JHARKHAND
AND DISTRICT & SUBORDINATE COURT
OF JHARKHAND
&
GENERAL LETTERS**

NEWSLETTER

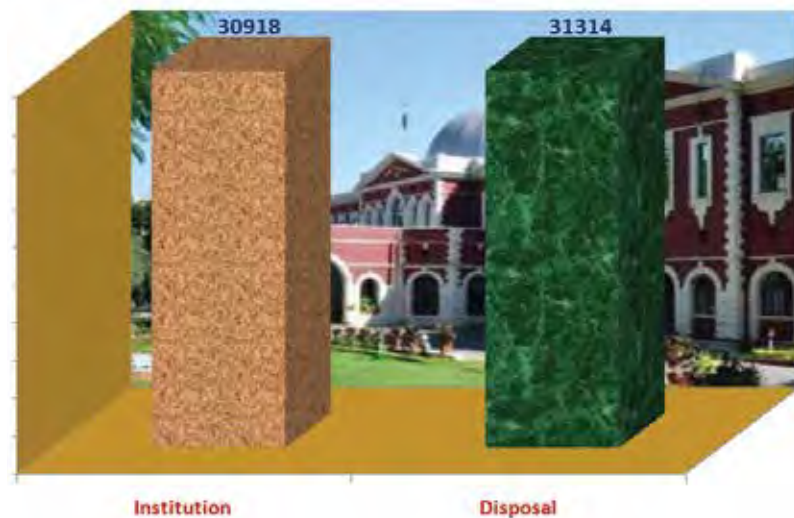
2015

STRENGTH OF JUDGES IN THE HIGH COURT OF JHARKHAND

Total Sanctioned Strength	Total Working Strength	Vacancy
25	14	11

Comparison Chart showing Institution and Disposal of Cases in the High Court of Jharkhand from January 2015 to December 2015

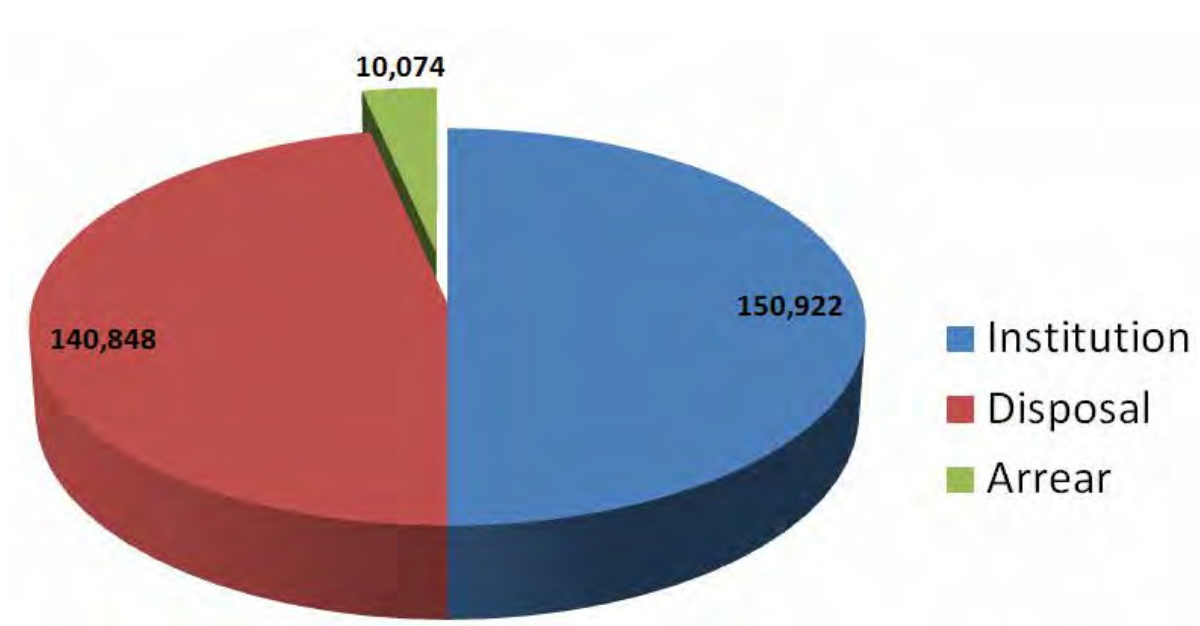
more than 100%



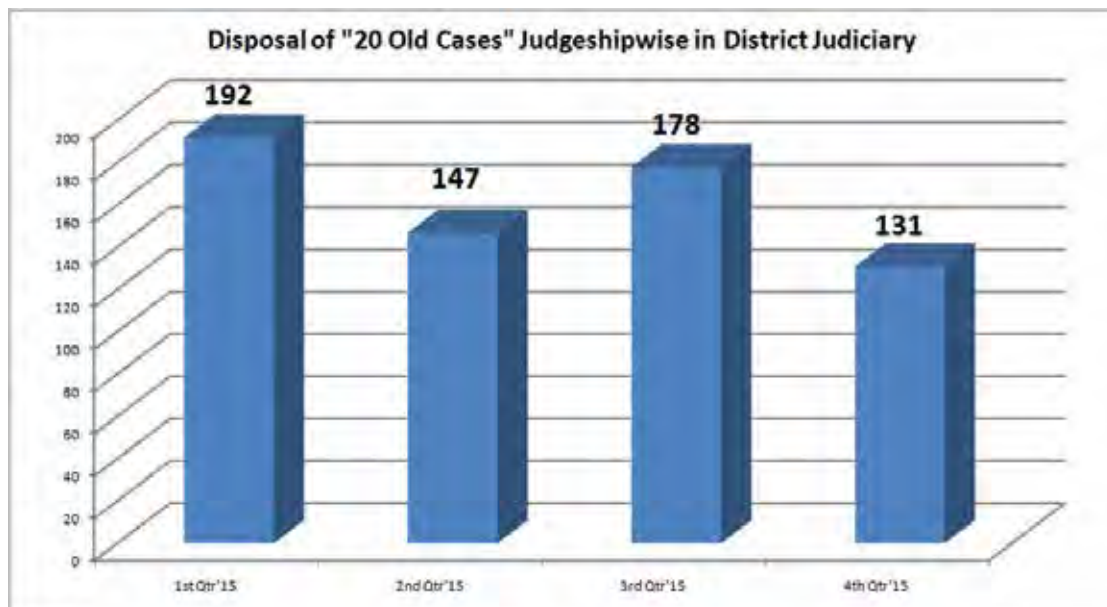
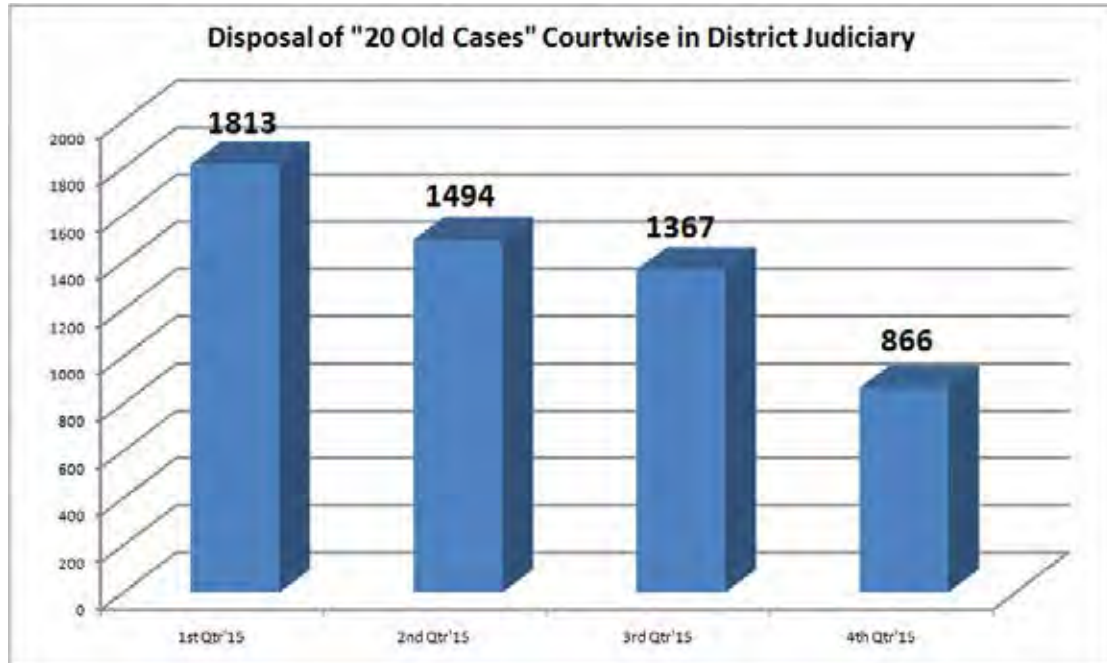
STRENGTH OF JUDICIAL OFFICERS AS ON 31ST DECEMBER 2015

Total Sanctioned Strength	Total Working Strength	Vacancy
592	466	126

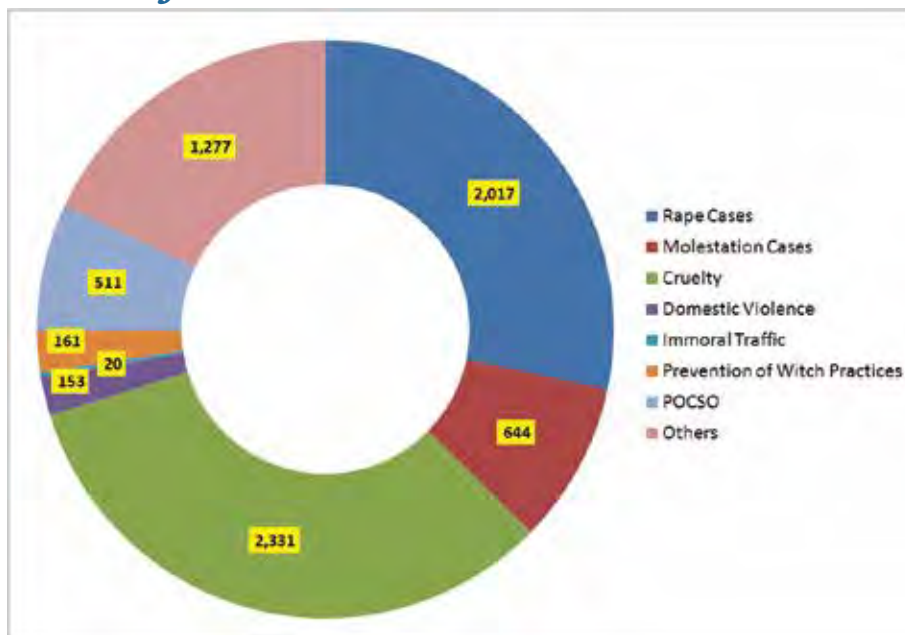
CHART SHOWING NUMBER OF DISPOSAL OF CASES AS WELL AS NUMBER OF CASES, WHICH REMAINED TO BE DISPOSED OF WITH RESPECT TO INSTITUTION OF CASES (TOTAL 1,50,922) IN DISTRICT COURTS FROM NOVEMBER 2014 TO DECEMBER 2015



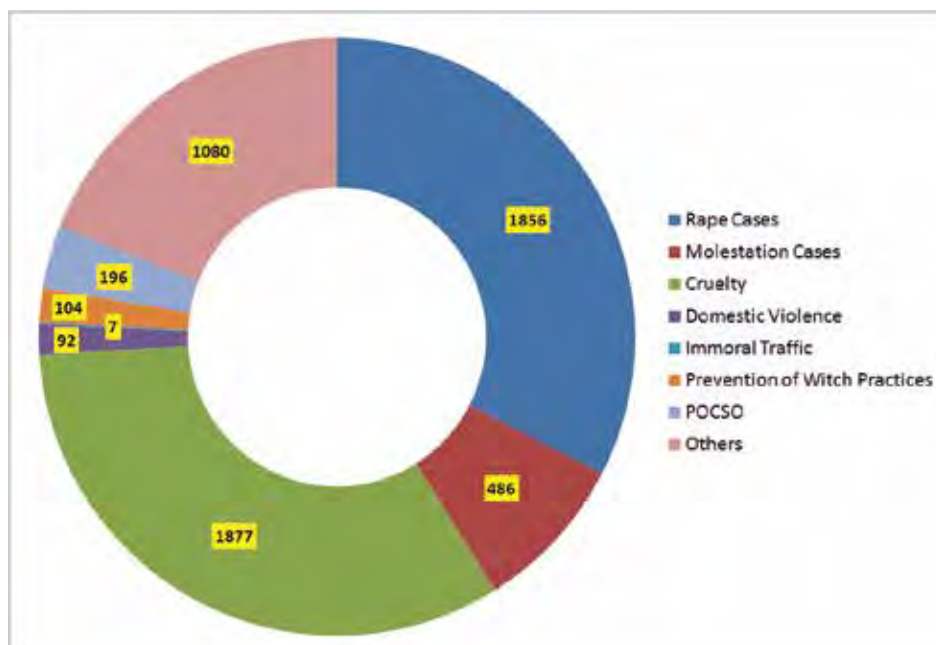
DISPOSAL IN 20 OLD CASES REPORT JAN-DEC'15



INSTITUTION OF CASES RELATED TO CRIME AGAINST WOMEN IN DISTRICT JUDICIARY FROM JANUARY 2015 TO DECEMBER 2015



DISPOSAL OF CASES RELATED TO CRIME AGAINST WOMEN IN DISTRICT JUDICIARY FROM JANUARY 2015 TO DECEMBER 2015



GENERAL LETTERS

General Letter No. 01 /2015/R&S

From,

Anil Kumar Choudhary
Registrar General, High Court of Jharkhand, Ranchi.

To

All the Principal District & Sessions Judges of Jharkhand including the Principal Judicial Commissioner, Ranchi and all the Principal Judges of Family Courts of Jharkhand.

Dated Ranchi, the 23rd of May, 2015

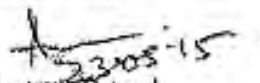
Sir,

I am directed to say that it has been brought to the notice of the Court that the petitions/applications filed u/s 125(3) and 127 of Cr. P.C. i.e. for enforcement of orders of maintenance allowances and alteration of allowances respectively are not assigned separate numbers rather such applications are dealt with in the Main Case filed u/s. 125(1) of the Cr.P.C. and results in incorrect figure of pendency of old cases.

The Court has, therefore, direct you to ensure registering separate Miscellaneous Case for each of the application/ petition filed u/s.125(3) and 127 of Cr.P.C., i.e., applications/ petitions for enforcement of orders of maintenance allowances and alteration of allowances respectively as well as assigning separate Miscellaneous Case Number to such applications/ petitions filed u/s. 125(3) and 127 of Cr.P.C. i.e. for enforcement of orders of maintenance allowances and alteration of allowances respectively, already pending in your Judgeship/Court.

The above instructions may be followed strictly by all concerned.

Yours faithfully,


Registrar General

HIGH COURT OF JHARKHAND, RANCHI

General Letter No. 02/2015/R&S

From,

Anil Kumar Choudhary
Registrar General,
High Court of Jharkhand,
Ranchi.

To

All the Sessions Judges of the State of Jharkhand
Including Judicial Commissioner, Ranchi

Dated, Ranchi the 4th August, 2015

Sir

I am directed to say that it has been brought to the notice of the Court that the Judicial Magistrates while dealing with the criminal cases when the accused persons are not appearing in any case even after issuing a warrant of arrest, often consign the case record to the record room after issuing a permanent warrant of arrest without examining any witness of the prosecution, in absence of the absconding accused persons, as has been provided for in Section 299 of the Cr. P. C. and also the case is treated as disposed of.

I am, therefore, to request you to direct all the Judicial Magistrates under you to ensure that before consigning the case record in such type of cases to the record room, they must examine the witnesses produced on behalf of the prosecution and record their depositions.

Further, such cases should not be treated as disposed of cases.

In every Judgeship, a list of permanent warrant of arrest issued against all the accused persons containing the address of the absconding accused, be prepared and handed over to the Superintendent of Police in the monthly meeting, by the Sessions Judge with a request to submit a report in writing as to why warrant could not be executed against each of such accused persons, in the next monthly meeting.

The above instructions should be followed by all concerned.

Yours faithfully,


Registrar General.

General Letter No. 03 /2015/R&S

From,

Anil Kumar Choudhary
Registrar General,
High Court of Jharkhand,
Ranchi.

To

All the Sessions Judges of Jharkhand including the Judicial Commissioner,
Ranchi

Dated Ranchi, the 5th of August, 2015

Sir,

I am directed to say that it has been brought to the notice of the Court that several cases, where sentences to be awarded is more than 10 (ten) years, were assigned to the Assistant Sessions Judge by the Sessions Judges even though as per Section 28 of the Cr.P.C., Assistant Sessions Judge cannot pass sentences exceeding 10 (ten) years.

The Court, therefore, directs you not to assign any case where the maximum sentence can be awarded is more than 10 (ten) years, to any of the Assistant Sessions Judges of your Judgeship.

The above instructions may be strictly adhered to.

Yours faithfully,


05-08-15
Registrar General

HIGH COURT OF JHARKHAND, RANCHI

General Letter No. 01/2015/G.L./Admn.Misc. Dated: Ranchi, the 09th January, 2015

From,

Registrar General,
High Court of Jharkhand,
Ranchi.

To,

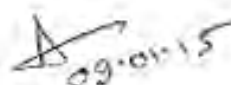
All the Principal District and Sessions Judges
of the State of Jharkhand including
the Judicial Commissioner, Ranchi.

Sub: Enhancement of the rate towards photocopy charges per page for issuing certified copies of documents by the Civil Courts.

Sir/Madam,

I am directed to invite your kind attention on the subject noted above and to inform you that the court has been pleased to pass the order that the photocopy charges for issuing certified copies of the documents by the Civil Courts be increased from Re. 1/- (Rupee one) per page, as fixed earlier vide letter No. 5326 (Rules)/Admn. Misc.-LVI-15-92 dated 07.10.1997 of the Patna High Court to Rs. 3/- (Rupees three) per page in addition to the usual charges for the certified copies under the Rules for all the Judgeships of the State of Jharkhand.

The rest guidelines as laid down in the aforesaid letter of the High Court of Judicature at Patna will remain the same.

 09.01.15

Registrar General

PICTORIALS OF SOME EVENTS



HIGH COURT OF JHARKHAND



*"You Can't change the past
but you can certainly change the future,
it's Upon you what you Want !"*

Hon'ble Mr. Justice Virender Singh

Chief Justice, High Court of Jharkhand

(Extract from Order dated 27th July, 2015)

passed in W.P.(PIL) No.3503 of 2014 with W.P.(PIL) No. 2470 of 2015