
(2007) 07 JH CK 0053

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 1414 of 2007

Bishwanath Shah

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-07-2007

Acts Referred:

Citation : (2007) 2 BLJR 2426 : (2007) 4 JCR 53

Hon'ble Judges : M. Karpaga Vinayagam, C.J; Amareshwar Sahay, J

Bench : Division Bench

Advocate : Rajiv Sinha and B.K. Prasad, for the Appellant; S.B. Gadodia, A.G. and R.N. Sahay, Senior Standing Counsel II, for the Respondent

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. The petitioner, a local resident of Saraiyhat Block within Dumka District, has filed this writ petition by way of public interest litigation for issuance of an appropriate writ directing the respondent authorities to strictly follow the guidelines issued by the Government of Jharkhand in its letter dated 02/06/2006 in the matter of selection of Anganbari Sevikas and Sahayikas. Further prayer is to quash the appointment which already were made allegedly in violation of the said guidelines issued by the State Government.

3. It is alleged by the petitioner that the selection of Anganbari Sevikas and Sahayikas are being made by the Executive Magistrate, which is contrary to the procedure prescribed in the guidelines of the State Government. According to the petitioner, the selection has to be made not by the Executive Magistrate but by the Child Development Project Officer, which is not being followed in the District of Dumka. It is also alleged that the Executive Magistrate is also not following the other selection process, mentioned in the guidelines of the State Government and, therefore, the purpose for which the said guidelines (Annexure-1) was issued by the Government is being frustrated.

4. By way of interim order dated 04/05/2007, this Court stayed the further appointment of Anganbari Sevikas and Sahayikas.

5. A counter affidavit, on behalf of Principal Secretary, Department of Social Welfare, Women & Child Development, Government of Jharkhand (Respondent No. 2), has been filed, wherein it has been stated that the Supreme Court, in W.P. (Civil) No. 196/2001, PUCJ v. Union of India and Ors. is monitoring the progress of various Government run Food Security Schemes including ICDS Scheme and is emphasizing that all the Anganbari Centres in the Country including in this State of Jharkhand should be made operational at an earliest and, accordingly, the Chief Secretary of Jharkhand was summoned by the Supreme Court in the said case and was asked to file status report regarding the status in the State of Jharkhand. The Supreme Court directed the Chief Secretary to ensure that 6683 Anganbari Centres sanctioned in the first lot must be made functional by 30th June 2007 and the rest 1243 Anganbari Centres, which were sanctioned in the latest lot must be made functional by 30th September 2007.

It is stated in the counter affidavit that Anganbari Centres can be made operational only when Anganbari Sevikas and Anganbari Sahayikas for the centre are selected and trained as early as possible before the dead line setup by the Supreme Court but in spite of its best efforts the process of selection of Anganbari Sevikas (Workers) Sahayikas (Helpers) is not progressing at a satisfactory speed because of the reason that as per the guidelines issued by the Government, the selection has to be made by the Child Development Project Officer of the concerned Project but in many Projects, the posts of Child Development Project Officers are vacant and, therefore, the selection process is at stand still for quite sometime. Therefore, in order to expedite and speedup the selection process it was felt to modify the original guidelines to meet the deadline fixed by the Supreme Court, a new circular on 27/02/2007 was issued by the Department of Social Welfare (Women & Child Development) wherein it was laid down that although the Selection Committee should normally be headed by Child Development Project Officers concerned, the Deputy Commissioner may authorize Block Development Officers, Circle Officers, C.D.P.Os. of the other projects as well as any other equivalent District Level Officers to act as Chairman of the Selection Committee so that the Selection of Anganbari Workers and Helpers will be made within the time frame made by the Supreme Court.

6. In view of the above fact that the matter regarding appointment/selection of Anganbari Sevikas (Workers)/Sahayikas (Helpers) are being monitored by the Supreme Court in a writ petition noticed above and specific directions have been given to the State Governments to complete the selection/appointment of Anganbari Sevikas/Sahayikas within a time frame and, therefore, in our view, any interference by this Court in the process of selection of Anganbari Sevikas/Sahayikas will not at all be in the public interest rather it would be against the public interest since the Government is trying to appoint/select Anganbari Sevikas/Sahayikas by all possible steps to comply the order and direction issued

by the Supreme Court.

7. In this view of the matter, we refuse to interfere in the matter. Accordingly, the writ petition is dismissed. The interim order dated 04/05/2007 is hereby vacated.