
(2008) 02 J&K CK 0010
In the Jammu And Kashmir High Court

Geeta Devi

APPELLANT

Vs

State of J. and K. and Others

RESPONDENT

Date of Decision : 12-02-2008

Acts Referred:

Citation : (2009) 2 JKJ 324

Hon'ble Judges : K.S. Radhakrishnan, C.J;N.A. Kakru, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

K.S. Radhakrishnan, C.J.—Petitioner is seeking regularisation of her services as Supervisor with retrospective effect from 1990 onwards

which was declined by the Learned Single Judge.

2. The petitioner was engaged as an Anganwari Worker in ICDS Project in Bhillawar on honorarium basis under the scheme formulated for that

purpose. Complaining that she was not placed in the grade of Supervisor, she had approached this Court by filing SWP No. 1144/1994, seeking

regularisation which was disposed of on October 19, 1994 directing the respondents to consider her claim. Her claim was considered and

rejected. The stand of the respondents was that the petitioner was required to approach the SSRB for appointment as Supervisor in accordance

with Recruitment Rules.

3. Rules provide that 50% of the posts are to be filled by direct recruitment and 25% have to be reserved for selection from amongst the Graduate

Anganwari Workers with five years service as such and 25% posts by selection from amongst Matriculate Anganwari Workers who have

rendered not less than 10 years service as such. Petitioner had applied for direct

recruitment and was not selected. She had also been considered under 25% reserved quota for Graduates with five years experience as Anganwari Workers but without success. Petitioner now is trying to achieve indirectly what she could not achieve directly. She again approached the Court for regularisation of her services as Supervisor retrospectively. The relief prayed was declined by the Learned Single Judge, dismissing the writ petition. Hence this appeal.

4. Learned Counsel for the petitioner has submitted that similar treatment was extended to one Kamlesh Sharma and others. Mr. Qazi, Learned AAG, on the other hand, submitted that the petitioner is not entitled to the regularisation which was extended to the other persons, since they were given the benefit before coming into force of the rules. In other words, Learned Counsel submitted that the petitioner has to establish her right independently.

5. The petitioner having gone through the selection process in the direct recruitment as also having been considered under the reserved quota for Graduate Anganwari Workers and having failed, he wants to achieve something indirectly that she could not achieve directly, by claiming regularisation from a retrospective date. The petitioner did not produce any rules which would enable her to make and establish such a claim. The mere fact that benefit has been extended to other persons cannot advance the case of the petitioner, since he has to establish her right independently. That being the factual situation, we find no error in the order of the Learned Single Judge.

6. This appeal lacks merit and is dismissed.