
(2008) 08 JH CK 0065
In the Jharkhand High Court

Kumari Sushma Prakash

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 13-08-2008

Acts Referred:

Citation : (2008) 4 JCR 338

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—In this writ petition, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the part of the recommendation dated 3.9.2007 of District Collectariat, Garhwa (District Social Welfare) appearing at Serial No. 12 (contained in Annexure 2) whereby and whereunder the name of respondent No. 7 Smt. Saroj Devi has been approved for appointment on the post of Anganbari Sevika for Jhurha Tola, Anganbari Centre of village Baghaundha Iliyas of Gram Panchayat Ramna, District Garhwa, in spite of the fact that the name of the petitioner was earlier recommended by the Block Development Officer, Ramna for the aforesaid post.

2. The case of the petitioner is that she is the daughter-in-law of the concerned village and is living in the village since after her marriage to one Roshan Prakash of the same village solemnized two years ago and she possesses the highest qualifications amongst the candidates who had applied for the post of Anganbari Sevika for the aforesaid centre. Her candidature was considered in terms of the rules and procedures for selection as contained in notification No. 134/2002 (Ka) 525 dated 5.6.2003 issued by the Secretary, Social Welfare, Women and Child Development Department, Government of Jharkhand. Yet, contrary to the recommendation made by the Block Development Officer, the impugned notification has been issued declaring the appointment of respondent No. 7 on the said post who is a mere matriculate.

3. Learned Counsel for the petitioner submits that for rejection of the petitioner's candidature, the only ground which has been stated is that her name

does not find place in the last voters list of the village. The learned Counsel explains that no such requirement is stipulated in the circular containing the rules of selection. On the other hand under Clause-V (ka and gha) of the rules it has been stated that Anganbari Sevika of the village should be daughter in law of the village/tola and Clause V(Ka) declares that the candidates having the highest qualification amongst the applicants should be given preference in the matter of appointment.

4. J.C. To S.C. (Mines) is present, though no counter affidavit has been filed.

5. From the circular containing the rules of selection (Annexure-3) it appears that at Clause-XIV a provision has been made that in the event, the selection of Anganbari Sevika and Sahayika is made in contravention of the rules, such appointments can be cancelled by the order of the Director, Social Welfare Department.

6. In the instant case the specific claim of the petitioner is that in the process of selection of the appointment of Anganbari Sevika under reference, the procedured rules have been flagrantly violated and the petitioner has been discriminated in the matter of selection to the post of Sevika and the appointment of respondent No. 7 is totally illegal. If this be so, the petitioner ought to have been made a representation before the Director, Social Welfare Department, Government of Jharkhand.

7. Considering the facts and circumstances of the case the petitioner is directed to file a representation stating all the facts and also the relevant materials in support of her own case before the Director, Social Welfare Department, Government of Jharkhand along with the copy of this Order and within eight weeks from the date of receipt of the representation, the Director shall dispose of the same with a reasoned order, and shall communicate his decision to the petitioner.

8. With these observations, this writ petition is disposed of.