
(2020) 08 JH CK 0138

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5821 of 2008

Manju Kumari @ Manju Devi

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 20-08-2020

Acts Referred:

Citation : (2020) 08 JH CK 0138

Hon'ble Judges : Deepak Roshan, J

Bench : Single Bench

Advocate : A.K.Tiwari, Debarshi Mandal,

Final Decision : Disposed Of

Judgement

1. Heard through V.C.

2. The instant writ application has been preferred by the petitioner for quashing the appointment made by the Deputy Development Commissioner, Deoghar-respondent no.7, in pursuance of the recommendation made by the Child Development Project Officer, Sarwan Deoghar, whereby the respondent authorities have recommended the name of the private respondent No. 13 i.e. Jaimala Devi, for appointment on the post of Aaganbari Sevika for Asurbandha Aaganbari Centre in the district of Deoghar as the petitioner was the most qualified candidate for Aaganbari Sevika.

3. Learned counsel for the petitioner submits that the State of Jharkhand vide its resolution as contained in Memo No. 03/SW-134/2002-K-525 dated 05.06.2003 has resolved that for appointment of Aaganbari Sevika, the daughter-in-law of the village where Aaganbari Centre is situated having maximum educational qualification will be given priority and for Schedule Tribe there will be some relaxation in educational qualification.

4. Learned counsel for the petitioner further submits that the respondent No.13 was also appointed earlier and only upon the representation of this petitioner, her

appointment was cancelled and fresh Aam Sava was held. He further submits that the illegality has been committed in her appointment inasmuch as the petitioner was the most qualified candidate for Aaganbari Sevika, but due to arbitrariness of the State respondents, respondent No. 13 was appointed. He further submits that though he has filed representation way back in the year, 2008 itself, but no action has been taken by the Deputy Commissioner. In view of these facts, the Deputy Commissioner may be directed to cancel the appointment of the respondent No.13 and call for fresh Aam Sava to be conducted for appointment of Aaganbari Sevika.

5. Learned counsel for the State reiterated its stand made in the counter-affidavit and submits that the private respondent No.13 has been selected as per Government circular and norms and on the basis of unanimous decision of the Village Aam Sava.

6. No body appears for the respondent no.13 however, an affidavit duly sworn by the private respondent no.13 is on record which was sent by her through post. She deposed that she was selected unanimously by the Village Aam Sabha and the candidature of the petitioner was rejected by the villagers on the ground that she comes from an affluent family.

7. Having hearing learned counsel for the parties and after perusing the material available on record, it appears that the respondent No.13 was earlier appointed and her appointment was cancelled pursuant to a complain made by this petitioner. Thereafter, a fresh Aam Sava was held, but it has been alleged by the petitioner that this time also an irregularity has been committed by ignoring the notification issued by the State.

8. In view of the aforesaid facts and circumstances of the petitioner, I hereby dispose of the instant writ application by giving liberty to the petitioner to file a fresh representation before the Respondent No.5-Deputy Commissioner, Deoghar raising her entire grievance regarding her appointment and/or cancellation of appointment of respondent No.13 within a period of two months from today. If any such representation is filed before the respondent No.5-Deputy Commissioner, Deoghar, the same shall be considered in accordance with law and the notification of the Government regarding appointment of Aaganbari Sevika and pass a reasoned and speaking order within a period of four months from the date of receipt of such representation. If it is found that the appointment of respondent No.13 is not in accordance with rules and Government notification, the respondent No.5 shall proceed in accordance with law. It is made clear that till the final decision is taken, the services of private respondent no.13 shall not be disturbed.

9. With the aforesaid directions the instant writ application is disposed of.