
(2016) 02 JH CK 0157

In the Jharkhand High Court

Case No : L.P.A. No. 359 of 2015 and I.A. No. 3673 of 2015

Menka Kisku

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-02-2016

Acts Referred:

Citation : (2016) 1 AIRJharR 788

Hon'ble Judges : Virender Singh, C.J. and S. Chandrashekhar, J.

Bench : Division Bench

Advocate : Durga C. Mishra, for the Appellant; Jai Prakash, A.A.G., for the Respondent

Final Decision : Dismissed

Judgement

Virender Singh, C.J.

1. Selection of one Dipmala Hembrom (respondent No. 8) as Aanganbari Sevika for the Centre Golpur, Malasia Block, Dumka by Aam Sabha held on 11.04.2015 gave a cause to the appellant-writ petitioner (for short "petitioner") to throw a challenge to the said appointment in W.P.(S) No. 2089 of 2015 which stood dismissed vide impugned order dated 20.05.2015, once again, giving cause to the petitioner to knock at the door of this Court through the medium of the instant Letters Patent Appeal, which is at admission stage and with the consent of the learned counsel for both the sides, taken on Board for its final consideration. Along with the petitioner six other candidates were also considered for selection of Aanganbari Sevika for the aforesaid centre by Aam Sabha and ultimately respondent No. 8 was found to be eligible having training of the Auxiliary Nurse (A.N.M). She has also excellence in sports activities and is also an Intermediate. It was unanimous selection of respondent No. 8 as Sevika. Aam Sabha also found that the other candidates including the petitioner were daughter-in-laws of the said village and belong to the majority population and that respondent No. 8 is hailing from Scheduled Tribe category. All these factors weighed with Aam Sabha in selecting respondent No. 8.

2. Learned counsel for the petitioner contended that the selection of respondent No. 8 is not in accordance with the prescribed rules. He stated that even otherwise the certificate of A.N.M., which is in possession of the respondent No. 8, is not a genuine certificate and in this regard a representation has already been moved before the Deputy Commissioner, Dumka signed by the petitioner and certain other villagers, but the said representation has not been brought to its logical conclusion, till date. Be that as it may, pendency of the representation before the Deputy Commissioner would not be a ground to disturb the selection of respondent No. 8 as Aanganbari worker for the aforesaid block.

3. Viewed thus, we do not find any reason to disturb the well reasoned order of the learned single Judge. The instant appeal merits dismissal. Ordered accordingly.

4. However, Deputy Commissioner, Dumka is directed to verify the contents of the representation moved by the petitioner and certain other villagers against respondent No. 8 and on the basis of the outcome thereof, take the required action in accordance with the rules and procedure in place. I.A. No. 3673 of 2015 stands disposed of accordingly.