
(2010) 04 JH CK 0013
In the Jharkhand High Court

Pushp Mala Kumari

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-04-2010

Acts Referred:

Citation : (2010) 04 JH CK 0013

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Heard the learned Counsel for the parties.

2. The petitioner, in this writ application, has challenged the appointment of the Respondent No. 6 as Sevika of the Anganbari Centre in village-Gangpancho (Upper Tola) and being aggrieved with the rejection of her candidature, she has filed this writ application, praying for a direction upon the Respondents to cancel the appointment of the Respondent No. 6 and to appoint the petitioner as Anganbari Sevika in her place.

3. Amongst the several grounds raised by the petitioner, challenging the appointment of the Respondent No. 6, it is contended that the appointment of the Respondent No. 6 has not been made in accordance with the procedure laid down under the Scheme for appointment of the Anganbari Sevika in as much as, the Respondent No. 6 does not belong to a Below Poverty Line Family, nor is she a permanent resident of the village, in which the Anganbari Centre is located. The petitioner claims that on the other hand she is not only a permanent resident of the village but she also belongs to a B.P.L. Family and moreover, she possesses a higher academic qualification than the Respondent No. 6. It is informed that earlier upon a complaint received against the appointment of the Respondent No. 6, her appointment was cancelled but surprisingly, she was again reinstated/ continued to function as Sevika of the Anganbari Centre, despite the fact that several complaints under the joint signatures of the villagers were filed before the concerned authorities. Learned Counsel adds further that the representation filed by the petitioner, raising her objections against the re-appointment of the

Respondent No. 6 and against rejection of the petitioner's candidature has not been disposed of, as yet.

4. From the counter affidavits of the Respondent Nos. 2 to 5, it appears that the decision to appoint the Respondent No. 6 as the Anganbari Sevika was taken at the meeting of the Aamsabha. Objections were raised against such appointment and in pursuance to such objections, the appointment of the Respondent No. 6 was cancelled but later, her appointment was restored and she has been allowed to continue on the post.

5. In the counter affidavit of the Respondent No. 6, a counter stand has been taken that the petitioner does not possess the requisite qualification in as much as the petitioner does not belong to the B.P.L. family and cannot claim any preference for appointment.

6. In the light of the submissions of the petitioner that her representation in the context of her objections against the appointment of the Respondent No. 6 and against rejection of her candidature has not been disposed of as yet by the Deputy Commissioner of the concerned district, this writ application is disposed of with a direction to the Deputy Commissioner of the concerned district to consider the petitioner's representation and take an appropriate decision on the same within a period of three months from the date of receipt/production of a copy of this order after giving a reasonable opportunity both to the petitioner as also to the Respondent No. 6 of being heard. The decision taken by the Deputy Commissioner in this regard, shall be effectively communicated to the parties and the same shall be treated as final and binding upon the parties.

7. Let a copy of this order be given to the learned Counsel for the Respondents.