

(2008) 06 JH CK 0058
In the Jharkhand High Court

Sabina Yasmin

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-06-2008

Acts Referred:

Citation : (2008) 3 JCR 561

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

N.N. Tiwari, J.—The petitioner, in this writ petition, has prayed for quashing the selection and appointment of respondent No. 5 as Sevika for Anganbari Centre Mirzapur Kalu within Barharwa Block. District Sahebganj and for consideration of her appointment as Sevika of the said Centre.

2. It has been stated that the petitioner is the resident of same village and belongs to the family of below poverty line. She has passed Higher Secondary Education. She is, thus, suitable and is also eligible candidate for being appointed as Sevika of the said Centre, but the respondents, ignoring the petitioner's claim, have arbitrarily selected and appointed the respondent No. 5, who is the resident of West Bengal.

3. The said respondent No. 5 does not belong-to the family of below poverty line. Selection and appointment of respondent No. 5 is contrary to the circulars and guidelines issued for appointment of Sevika. The petitioner made protest by filing representation, but the same was not considered by the concerned authority and no order has been passed.

4. The respondents have contested the writ petition. In the counter affidavit filed by the respondents, it has been stated that the selection of the respondent No. 5, as Anganbari Sevika for Mirzapur Kalu Centre, is In accordance with the guidelines and after full length discussion of the Monitoring Committee and as such, the allegation of the petitioner is wholly frivolous and baseless. There has been no violation of any guideline, rule or procedure. It has been further stated

that regarding the complaint made against the appointment of respondent No. 5, the District Programme Officer had been directed to send all the complaint petitions to the concerned Block Development Officer, Member-cum-Co-coordinator for enquiry and report.

5. I have heard learned Counsel for the parties. Though the respondents have taken stand that the procedure and provisions of the guidelines have been strictly followed in selection and appointment of the respondent No. 5, there is no specific averment in the counter affidavit, regarding the complaint of the residents. The petitioner has categorically stated that the respondent No. 5 belongs to the State of West Bengal and that she is not entitled for being appointed as Sevika of the said Centre. No statement has been made in the counter affidavit regarding the said fact of the writ petition. The stand taken in the counter affidavit is not suffice to meet the petitioner's grievance.

6. For the reasons aforesaid, the Deputy Commissioner and the District Programme Officer, Sahebganj are directed to make necessary enquiry regarding the said allegation of the petitioner that the respondent No. 5 is resident of State of West Bengal. While holding the said enquiry, the Deputy Commissioner shall also afford opportunity of adducing evidence/-hearing to the petitioner as also the said respondent No. 5. and other concerned. The enquiry can also be made by local inspection or in the manner as may be deemed fit and proper by the Deputy Commissioner. The enquiry must be concluded within a period of two weeks. On the conclusion of the enquiry, the Deputy Commissioner shall pass an appropriate order in the light, of the finding arrived at in the enquiry.