
(2020) 08 JH CK 0274
In the Jharkhand High Court
Case No : Writ Petition (S) No. 1177 of 2019

Shanti Tudu

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 27-08-2020

Acts Referred:

Constitution of India, 1950 — Section 226

Citation : (2020) 08 JH CK 0274

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Shubham Mishra, Nil Abhijeet

Final Decision : Disposed Of

Judgement

Heard Mr. Shubham Mishra, learned counsel for the petitioner and Mr. Nil Abhijeet, learned counsel for the respondents.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

The petitioner has preferred this writ petition for cancellation of appoint of respondent no.9 as Aanganbari Sevika. Further prayer is made for direction upon the Deputy Commissioner to consider the candidature of petitioner for appointment on the post of Aaganbari Sevika in Rajdapara Aanganbari Centre, Baskidih, Dumka.

Learned counsel for the petitioner submits that in view of notification dated 03.01.2019 issued under the pen and signature of respondent no.8 in Aam Sabha for selection of Aanganbari Sevika in Rajdapara Aaganbari Centre at Baskidih Panchayat, an Aam Sabha was conducted and the petitioner has also applied with five other candidates. Surprisingly, respondent no.9 was selected for the post of Aanganbari Sevika in spite of the fact that she has not complied the

rules, regulations and guidelines. The petitioner has made representation before the Deputy Commissioner in view of Annexure- 5, but no decision has been taken on the representation.

On the other hand, learned counsel for the respondents-State submits that the representation of the petitioner is pending before Deputy Commissioner, Dumka. He submits that the Deputy Commissioner will look into the matter. He further submits that the Writ Court may not interfere under Article 226 of Constitution of India as the post of Aanganbari Sevika is not a civil post.

Considering this aspect and in view of fact that the petitioner has already filed representation before the Deputy Commissioner and no decision has been taken who is competent authority to look into the matter, the Deputy Commissioner is directed to decide the representation of the petitioner within a period of eight weeks from the date of receipt/production of copy of this order in accordance with rules, regulations and guidelines made in this regard.

With the above observations and directions, this writ petition stands disposed of.