
(2003) 04 JH CK 0126

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2094 of 2002

Sushri Rinku Kumari

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-04-2003

Acts Referred:

Citation : (2003) 4 JCR 336

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : K.M. Verma, M.M. Sharma and L.K. Singh, for the Appellant; A.K. Sinha and A.G., for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—In this writ application the petitioner has prayed for quashing the order issued vide memo No. 715 dated 16.3.2002, whereby the service of the petitioner has been terminated by the Superintendent of Police, West Singhbhum, Chaibasa on the ground that the Selection Committee was not properly constituted and there was irregularity in the appointment.

2. It appears that the post of Daftory was advertised and the applications were invited from Employment Exchange, Chaibasa. Petitioner along with others applied for the said post. A copy of the advertisement is annexed as Annexure 1 to the writ application. Petitioner was called upon vide memo No. 1037 dated 14.6.1999 issued by the Superintendent of Police, West Singhbhum, Chaibasa to appear for interview on 20.6.1999. Petitioner was selected by the Interview Board and appointment letter was issued vide memo No. 1153 dated 1.7.1999. Petitioner joined service in 1999 itself and continuously worked on the said post. In the meantime, one Mr. Bagun Sumbrai, MLA raised question on the floor of the Assembly about the appointment of the petitioner and a report was submitted to the Deputy Inspector General of Police (Admn.) Bihar, Patna. On the basis of the said report, service of the petitioner was terminated.

3. Respondents in their counter affidavit have stated that neither vacancy was created by the State Government nor any sanction was obtained from the State Government for appointment on the post of Daftory. It is contended that even Selection Board was not properly constituted.

4. It has not been disputed that the post of Daftory was advertised and the names from the Employment Exchange was called for. A Selection Committee comprising of the then Superintendent of Police, Chaibasa, Deputy Superintendent of Police and Sub- divisional Officer, Seraikela was constituted. Petitioner and other candidates were interviewed and the petitioner having topped amongst the candidates was appointed after verification of certificates by the then Superintendent of Police. After the appointment of the petitioner due information was given to Deputy Inspector General of Police (Admn.) Bihar, Patna and the Deputy Inspector General of Police, South Chotanagpur Range, Ranchi, Since the Assembly question was raised by one of the M.L.A., the service of the petitioner has been terminated on the ground that Selection Committee was not properly constituted.

5. In the letter of termination issued by the Superintendent of Police, it has not been disputed that the appointing authority of Class-IV employees is the Superintendent of Police of that district. Relevant rules of Police Manual has been quoted mentioning that the Selection Committee should be comprised of Superintendent of Police as Chairman and other members who are the Superintendent of Police of other districts and the Sub-divisional Police Officers. It is not the case where without any advertisement and without calling application through employment exchange and without any interview petitioner was appointed rather it appears that all the recruitment rules have been followed in the matter of appointment on the post of Daftory. The Selection Committee was headed by the Superintendent of Police, Chaibasa. The Committee consisting of Superintendent of Police and the Sub-divisional Police Officer, Seraikela. In my opinion, merely because there was some irregularity in the constitution of the Selection Board, the services of the petitioner after serving for more than three years could not have been terminated. It is worth to mention here that no malafide has been alleged against the Selection Committee or any of the members of the Selection Committee and there is no allegation of any favouritism done by any of the members of the Selection Committee. In absence of any allegation of malafide the order of termination merely on the basis of some objection raised by the M.L.A. ought not to have been terminated.

6. For the reasons aforesaid, this writ application is allowed and the order of termination of the petitioner is set aside.