
(2012) 02 JH CK 0018

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1272 of 2008

Tajmina Khaton

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-02-2012

Acts Referred:

Citation : (2012) 3 JCR 281 : (2012) 2 JLJR 313

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel

1. Learned Counsel for the petitioner submitted that the petitioner was selected as Sahyogini under Sarva Shiksha Abhiyaan by the Aam Sabha of Village-Arkosa, District- Lohardaga. The selection of the present petitioner and the Minutes of the said proceeding of Aam Sabha is at Annexure-2 to the memo of the petition. Looking to this Annexure-2 Minutes, it appears that there were three candidates under consideration and the petitioner was found suitable and, therefore, the petitioner was selected for the post of Sahyogini. For any reason, whatsoever, the respondent-State authorities have appointed one Smt. Vibha Tigga, who is respondent no. 6. It is further submitted by Learned Counsel for the petitioner that respondent no. 6 has never even participated in the selection process, looking to Annexure-2. Moreover, it has been stated in paragraph 13 of the petition that respondent no. 6 is not residing in the same tola, where, the school is situated. It is further submitted by Learned Counsel for the petitioner that no reasons have been assigned for not to appoint the petitioner, who is selected by the Aam Sabha of the concerned village, as per Annexure-2 and respondent no. 6 is appointed on the post of Sahyogini, therefore, the petitioner may be allowed to work as Sahyogini in place of respondent no. 6. Learned Counsel for the respondent-State is seeking time to file counter affidavit.

2. Though respondent no. 6 is served, nobody appears on behalf of respondent no. 6.

3. Having heard Learned Counsel for the petitioner as well as Learned Counsel for the respondent-State and looking to the facts and circumstances of the case, it appears that:

(i) Looking to Annexure-2, it appears that the present petitioner was selected on the post of Sahyogini. The petitioner was selected in the Aam Sabha of Village-Arkosa, District- Lohardaga.

(ii) It also appears from the Minutes of the meeting that following three candidates had preferred applications for the post of Sahyogini:

(a) Tazmeena Khatoon

(b) Anita Munjni

(c) Sheela Kachhap

Thus, out of three candidates' applications, the petitioner was selected, looking to her qualification.

(iii) It also appears from the facts of the case that respondent no. 6 has never preferred any application for the post of Sahyogini nor counter affidavit has been filed by the respondents, much less, by respondent no. 6. In view of these facts, I have no reason to disbelieve the present petitioner and to allow this writ petition especially looking to Annexure-2 to the memo of the petition. The State is also silent, how and under what circumstances, respondent no. 6 is appointed on the post of Sahyogini, though she has never preferred any application.

(iv) Moreover, it appears from Annexure-4 to the memo of the petition that Block Development Officer, Lohardaga Block, Lohardaga has recommended the name of the present petitioner for the post of Sahyogini along with five others, who were also selected for different schools for the post of Sadhansevi/Sahyogini for different village, in pursuance of the selection by the Aam Sabha of the concerned village. This recommendation is dated 26th February, 2005. Thus, it appears that the Aam Sabha of Village- Arkosa has selected the petitioner. This selection is also brought to the notice of the Block Development Officer, Lohardaga Block, Lohardaga and this officer has also, vide his letter dated 26th February, 2005, brought to the notice of higher officer of the Government. Thus, the petitioner is selected for the post of Sahyogini. There is no counter affidavit filed by any of the respondents to controvert the facts, which are stated in the memo of the petition. No other reason has been brought to the notice by the Government why respondent no. 6 is selected despite the fact that she has never preferred an application for the post of Sahyogini.

(v) In view of the aforesaid facts and reasons, I hereby direct respondent no. 2 to appoint the petitioner on the post of Sahyogini. Consequently, if respondent no. 6 is working on the post of Sahyogini, she shall not be allowed to work on the

said post. Necessary orders will be passed by respondent no. 2 within a period of one week from the date of receipt of a copy of the order of this Court.

This writ petition is allowed and disposed of.