

Rimpu Devi Vs. State of Jharkhand and ors

Rimpu Devi Vs. State of Jharkhand and ors

SooperKanoon Citation : sooperkanoon.com/1086357

Court : Jharkhand

Decided On : Sep-13-2013

Appellant : Rimpu Devi

Respondent : State of Jharkhand and ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W. P. (S) No. 488 of 2010
.... Rimpu Devi Petitioner -V e r s u s- The State of Jharkhand & Others ...
...Respondents CORAM: - HONBLE MR. JUSTICE APARESH KUMAR SINGH
For the Petitioners : - M/s Ram Kishore Prasad & Praful Jojo For the Respondent-
State: - M/s Binod Tiwari, JC to GP-II 12/13.09.2013 Heard learned counsel for the
parties. The petitioner has approached this Court to direct the respondent no. 4,
the Deputy Development Commissioner, Palamau to approve the selection of the
petitioner as Aaganbari Sevika made by the Village Selection Committee and
further to appoint her on the said post. According to the petitioner, she was an
interested candidate for appointment for Aaganbari Sevika for village- Rehla Kala,
Adarsh Mohalla, P.O. -Rehla Kala, District- Palamau. The petitioner is said to be
Matriculate. The Selection Committee was convened in September, 2009 in which
according to the petitioner, she participated in the Aam Sabha held on 06.09.2009
for the consideration of her case for the post of Aaganbari Sevika. Though her
name was recommended, but the Deputy Development Commissioner, Palamau
has not approved her selection. Learned counsel for the petitioner submits that in
such circumstances, the petitioner has approached this Court. Learned counsel for

the petitioner has relied upon the judgment rendered by the Division Bench of this Court in the case of Sumati Devi Vs. State of Jharkhand & Ors. reported in 2010 (4) JCR 94 (Jhr). According to the petitioner, the selection is to be made by the Aam Sabha, which is to be respected by the appointing authority. It is essential eligibility qualification which is important and not that one candidate having higher qualification than the other is to be appointed. Therefore, the recommendation has been made by the Aam Sabha in consonance with the rules, which is vested with the power of selection although reference of name of the candidates is to be made by the committee. The respondent- authorities are obliged to appoint the petitioner. The respondents in their counter affidavit have taken a stand that the selection of the petitioner has already been cancelled by the Deputy Development Commissioner, Palamau on the ground that the selection of the writ petitioner was not made in accordance with law, rules as well as policies enforceable under the government orders. It was objected by the villagers and the other candidates. On perusal of the Annexure-F to the said counter affidavit, it, however, shows in their notings in the file that observations have been made that selection of the petitioner was purely provisional and therefore, it not being in accordance with law and rules, can be cancelled. It was also observed that fresh Aam Sabha can be directed to be held and approval of fresh Aam Sabha for fresh selection for Aaganbari Sevika may be granted. In these circumstances, when the writ petitioner has approached this Court, vide order dated 11.02.2010, the status quo was granted. Learned counsel for the petitioner submits that thereafter, no one has been appointed as Aaganbari Sevika including the present petitioner. Having heard learned counsel for the parties, it is, therefore, apparent that the case of the appointment of the petitioner has not been decided finally either way by the concerned authorities. The notings have been made that the selection of the petitioner was not made in accordance with law as well as rules by the Aam Sabha, which should be cancelled and therefore, fresh Aam Sabha should be held for selection of a candidate to the post of Aaganbari Sevika. In the circumstances, the writ petition is disposed of by directing the respondent no. 3, the Deputy Commissioner, Palamau to take a final decision in the matter of selection of Aaganbari Sevika for village-Rehla Kala, Adarsh Mohalla, P.O. - Rehla Kala, District- Palamau after taking into account all relevant materials and facts and one opportunity be given to the

petitioner to present her case. It would be open to the petitioner to rely upon the judgment, which she claims to be in her favour. Let such decision be taken within a period of 10 weeks from the date of receipt of a copy of this order. It is made clear that any observations made hereinabove shall not be treated as comments upon the merits of the case. Accordingly, this writ petition is disposed of in the aforesaid manner. (Aparesh Kumar Singh, J.) Kamlesh/

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com