

Most Lali Alias Most Lali Devi Vs. State of Jharkhand and Ors

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Court : Jharkhand

Decided On : Jul-19-2017

Appellant : Most Lali Alias Most Lali Devi

Respondent : State of Jharkhand and Ors

Advocate for Pet/Ap. : Mr. Indu Shekhar Gupta

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 1796 of 2008
Most. Lali @ Most. Lali Devi W/o Late Ashok Kumar Sah, D/o Sri Uma Shankar
Sah, resident of Mohalla-Kumahrpara, P.O. and P.S-Dumka (T), District-Dumka. ..
.. Petitioner Versus 1. State of Jharkhand.

2. Dy. Commissioner, Dumka.

3. D.D.C., Dumka.

4. District Welfare Officer, Dumka.

5. Block Development Officer, Dumka. 6. Child Development Project Officer,
Dumka. 7. Hasna Bano, W/o Md. Zamir Ansari, Resident of Ward No.3, Shiv
Sundar Road, P.S. Dumka(T), District Dumka. .. Respondents ----- CORAM:
HONBLE MR. JUSTICE PRAMATH PATNAIK ----- For the Petitioner : Mr. Indu
Shekhar Gupta, Adv. For the Respondent-State : Ms. Sunita Kumari, J.C. to S.C
(L & C) For the Respondent no.7 : Mr. Arpan Mishra, Adv. ----- th 7/Dated:

19. July, 2017 Per Pramath Patnaik, J.:

1. In the instant writ application, the petitioner has prayed for direction upon the respondents to appoint the petitioner on the post of Sewika at Ward No.3 in place of Respondent no.7.

2. The brief facts, as disclosed in the writ petition is that the petitioner having requisite qualification applied for the post of Anganbari Sevika. In pursuance to such application, meeting of Aam Sabha was held for selection on 26.07.2007. Finally, respondent no.7 has been selected. Being aggrieved the petitioner left with no other alternative, approached this Court for redressal of his grievance under Article 226 of the Constitution of India.

3. Counter affidavit has been filed on behalf of the respondent nos.2, 3 and 6. It has been submitted in the counter affidavit that for appointment on the post of Anganbari Sevika, a general meeting of resident of Mohalla- Kumharpara, Ward No.3 of Dumka Town was held on 26.07.2007 under the Chairmanship of the Block Development Officer, Dumka, in pursuance to the order of the Deputy Commissioner, Dumka and District Programme Officer, Dumka. Seven applications for the post of Sewika were received, whose candidatures were scrutinized and respondent no.7 was found suitable, and claim of remaining candidates including the petitioner were rejected. It has further been submitted that resident verification issued by the Subdivisional Officer, Dumka shows her to be the daughter of Uma Shankar Sah of Mouza Naya Dumka and not the resident of Kumharpara where the Anganbari Centre is situated. Apart from that she was married to one Ashok Kumar Shaw of village Uttarmathpara near Sitaram Rice Mill, P.O. Rampurhat, Dist-Birbhum, West Bengal, which can be perused from the death certificate of her husband. Therefore, petitioners claim does not substantiate with regard to bona fide resident of Ward No.3, Kumharpara, Dumka. As regard her qualification, she has submitted the certificate of Sahityalankar of Hindi Vidyapeeth, Deoghar as evident from Annexure-B, B/1 and B/2 of the counter affidavit. It has further been submitted that appointment of Anganbari Sewika and Sahayika has been made in accordance with the procedure laid down and altogether 52 villagers were present in the meeting held on 26.07.2007 who gave

their consent upon the selection of respondent no.7 Husna Bano, wife of Md. Jamil Ansari and they put their signature/L.T.I on the proceeding as a token of acceptance of the candidature of respondent no.7 as evident from Annexure-C to the counter affidavit. Since the respondent no.7 has fulfilled the requisite qualification for the post of Anganbari Sewika by furnishing educational qualification certificate, residential certificate before the Chairman and members and amidst a large number of villagers present in the meeting.

4. Rejoinder to the counter affidavit has been filed on behalf of the petitioner, wherein it has been submitted that petitioner is widow lady and her marriage was solemnized with Late Ashok Kumar Sah. After his death she is living at her fathers house namely Uma Shankar Sah, resident of Village-Kumharpara, Ward No.3, P.O. + P.S-Dumka (T), District-Dumka.

5. Mr. Indu Shekhar Gupta, learned counsel for the petitioner submits that though the petitioner got married to the person a resident of West Bengal but after death of her husband, she has been staying with her father at Dumka and therefore, her case ought to be considered by the respondent authority.

6. Learned counsel for the State has assiduously submitted that the selection process has been conducted in accordance with the guidelines prescribed, and she has reiterated submissions made in the counter affidavit. Learned counsel for the State further submitted that in view of the reason that she does not belong to the resident of the said Anganbari Centre and that is why her case has not been considered by the respondent authority and there is no infirmity or illegality in the selection of respondent no.7. Therefore, the writ petition does not deserve to be entertained by this Honble Court.

7. Learned counsel for the respondent no.7 has tried to defend selection of respondent no.7 by submitting that since respondent no.7 fulfilled all the requisite qualifications and being a permanent resident of that village, she has been duly selected by the respondent authority.

8. After bestowing my anxious consideration to the rivalized submissions and on perusal of the records, I am of the considered view that the petitioner has failed to

make out a case for interference, due to the following facts and reasons: (I) Admittedly in the selection process, candidature of seven persons were scrutinized by the selection committee. The petitioners residential certificate indicates that she is the daughter of Uma Shankar Sah of Mouza Naya Dumka and not the resident of Kumharpara. Apart from that she was married to one Ashok Kumar Shaw of village Uttarmathpara near Sitaram Rice Mill, P.O. Rampurhat, Dist-Birbhum, West Bengal. As per the guidelines for selection of Anganbari Sevika, a permanent resident is condition precedent for selection. Since she was not a permanent resident of the said Anganbari Centre, her case has not been considered by the selection committee. On the contrary, the respondent no.7 having fulfilled all the requisite qualification and being a permanent resident of village Kumharpara, her candidature has been selected by the selection committee, therefore, no irregularity or infirmity has taken place in the selection process of respondent no.7.

9. In view of the reasons stated in the foregoing paragraphs and as a logical sequitur to the aforesaid facts, the writ petition sans merit is dismissed. (Pramath Patnaik, J.) Saket/-

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