

**Maharani Devi Vs. The State of Jharkhand and Ors**

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**Court :** Jharkhand

**Decided On :** Jul-21-2017

**Appellant :** Maharani Devi

**Respondent :** The State of Jharkhand and Ors

**Advocate for Def. :** Mr. Atanu Banerjee

**Advocate for Pet/Ap. :** Mr. Ranjan Singh

**Judgement :**

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P(S) No. 6901 of 2012  
Maharani Devi, W/o Indradeo Das, R/o Khatnai, Godda Petitioner Versus 1. The State of Jharkhand 2. The Deputy Commissioner, Godda 3. The Deputy Development Commissioner, Godda 4. The District Welfare Officer, Godda 5. The Child Development Project Officer, Godda Block, Godda.

6. Sangita Devi, W/p Rajesh Paswan, R/o Khatnai, Godda 7. The Secretary, UGC, Bahadurshah Jafar Marg, New Delhi Respondents ----- CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK ----- For Petitioner : Mr. Ranjan Kr. Singh, Advocate For Respondents : Mr. Atnu Banerjee, Sr. Advocate Mr. Paramjeet Mahto, Advocate ----- 13/ 21.07.2017 The petitioner has approached this Court with a prayer for quashing the order dated 08.10.2012, issued under the signature of the Respondent No. 2, by which the services of the petitioner from the post of Sevika of Harizantola Anganbari Centre and also for direction to reinstate the petitioner

from the date, she was removed from the post of Anganbari Sevika. Factual Matrix:- The factual exposition as has been delineated in the writ petition is that the petitioner, under the Welfare Scheme of the State Govt., Harijantola of Village Khatni was selected for opening of Anganbari Centre and subsequently, on 23.09.2009 an Aam Sabha was held under the Chairmanship of Respondent No. 5 in which vide Resolution No. 3, the petitioner was unanimously selected for the post of Sevika. Subsequently, she was issued appointment letter on 23.09.2009 and her selection was approved by the Competent Authority on 12.10.2009. It is the case of the petitioner that she was submitted her educational certificate, equivalent to Class 10th and Pandit equivalent to class 12th from Gurukul University, Vrindavan, Mathura (U.P) alongwith other relevant certificates such as residential, income, character certificates issued by competent authority. After getting appointment, she was sent for training by the authority concerned and obtained certificate to that extent. It is the further case of the petitioner that respondent No. 6 made a complaint before respondent No.2. When a complaint was received on 08.10.2012 against the petitioner, respondent No. 2 cancelled the appointment of the petitioner on the ground that the certificate of the petitioner has been issued by a fake University, which is not recognized as per public notification dated 02.09.2012 and hence, this writ application has been preferred, challenging the cancellation order dated 08.10.2012. Mr. Ranjan Singh, learned counsel for the petitioner submits that the Deputy Commissioner, Godda has illegally and arbitrary cancelled the appointment of the petitioner, without any cogent reason. The reason assigned by the respondent No. 2 is not tenable in the eyes of law. In course of his argument, learned counsel draws the attention towards Annex. 6 (dated 7 th June, 2005) to the writ petition, which is a letter of the under Secretary to the Govt. of India, which clearly shows that the said certificates issued by the Gurukul Vishwavidyalaya, Vrindavan, Mathura has been recognized as equivalent to Intermediate. The Under Secretary, in his reference to the said letter, stated that Pandit examination is equivalent in Senior Secondary Examination in the General Educational setup. Learned counsel for the petitioner further submits that in view of the said letter, it cannot be said that the intermediate certificate, submitted by the petitioner, is fake and forged and not recognized and as such, in view of the letter of Under Secretary, Govt. of India, order dated 08.10.2012 is not tenable in

the eyes of law and as such is liable to be quashed and set aside. Per contra, counter-affidavit has been filed. Mr. Atanu Banerjee, learned counsel for the respondents vehemently opposes the contentions of the learned counsel for the petitioner and submits that in view of Annex.-A to the counter-affidavit, which is a public notice dated 2nd September, 2012, it is crystal clear that the name of the University/ College i.e. Gurukul Vishwavidyalaya, Vrindavan, Mathura, U.P. figures at Sr. No. 21 and vide that notification, it has been mentioned that said college is not recognized by UGC and it cannot be termed to be a University. In view of the said notification, there is no illegality in the impugned order as the Institute /College from which, the petitioner obtained its certificate is a fake and not recognized by the UGC. The appointment of the petitioner cannot be held to be justified and rightly it has been dismissed. Be that as it may, having gone through the rival submissions of the parties, this Court is of the considered view that the case of the petitioner needs consideration. The impugned order has been passed on 08.10.2012, without considering Annex. 6 to the writ petition. It is apparent from Annex. 6 that Gurukul Vishwavidyalaya, Vrindavan, Mathura has been recognized and as equivalent to Intermediate examination by the State Govt. as well as by the Central Govt. This aspect of the matter was not considered by the respondents, while passing the order dated 08.10.2012, if the same ought to have been considered, then this order would not have been passed. The matter relates to Intermediate Certificate and not any higher educational certificate. So far recognition of intermediate courses are concerned, it is the State Govt. who gives such recognition to the University and UGC is nowhere concerned with the same, which is also apparent from the letter dated 7th June, 2005. In view of Annex. 6 to the writ petition, the order dated 08.10.2012 is not sustainable in the eyes of law. Resultantly, it is quashed and set aside. As a cumulative effect of the aforesaid observations, rules and guidelines and the notification of the Central Govt., I am remitting back the matter before the respondent No. 2 for reconsideration of appointment of the petitioner taking into consideration Annex. 6, dated 7th June, 2005, to the writ petition. The petitioner is directed to make representation before the respondent No. 2 annexing Annex. 6 series and drawing the attention of Respondent No. 2 towards the said document by which recognition has been granted to Gurukul Vishwavidyalaya. The respondent shall pass a reasoned order

within a period of eight weeks from the date of receipt of a copy of this order. Needless to say that if the petitioner is entitled for appointment in view of Annex. 6, the same should be offered to her within a period of two weeks thereafter and she should be allowed to continue on that post from the date, she joined earlier. With the aforesaid observations, this writ petition stands disposed of. (Dr. S.N. Pathak, J.) punit

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