

Usha Devi Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Aug-12-2008

Reported in : [2008(4)JCR339(Jhr)]

Judge : D.G.R. Patnaik, J.

Appellant : Usha Devi

Respondent : State of Jharkhand and ors.

Judgement :

ORDER

D.G.R. Patnaik, J.

1. Petitioner in this writ application has prayed for an appropriate writ directing the Director, Social Welfare Department, Jharkhand, Ranchi (respondent No. 2), to cancel the selection of the Private respondent No. 9 on the post of Anganbari Sevika at Chandpur-II, Anganbari Centre and also for a direction to the Deputy Commissioner, Deoghar (respondent No. 4), for conducting a fresh selection of Anganbari Sevika of the aforesaid Centre by calling a general meeting of Villagers for selecting Anganbari Sevika by constituting a Selection Committee under the chairmanship of the concerned C.D.P.O.

2. The petitioner's case in brief is that she is a Graduate unemployed lady belonging to the Backward Category and is a permanent resident of village

Chandpur situated under Deoghar Block within the district of Deoghar. She had applied for her selection as Anganbari Sevika for the Anganbari Centre at Chandpur-II, Jasidihi. At the Amsabha of the Villagers, the petitioner's name was proposed for her appointment on the post of Anganbari Sevika but the respondent No. 7, who by virtue of his designation as Probationer Divisional Collector, had assumed charge as Chairman of the Amsabha and despite the selection of the petitioner by the Amsabha for the post constituted, the respondent No. 7 did not issue the appointment letter to the petitioner and had illegally issued the appointment letter to the respondent No. 9 even though the Amsabha had not recommended for the appointment of the respondent No. 9 to the said post.

3. Learned Counsel explains further that being aggrieved against such illegal conduct, which is against the procedures laid down under the Government notification, the petitioner had approached the Director, Social Welfare to select her by cancelling the appointment of private respondent No. 9. But the Director had not passed any order on the representation filed by the petitioner on 2.7.2007 (An-nexure-4). Learned Counsel refers in this context to a copy of the letter (Annexure-4).

4. Learned Counsel further explains that though counter affidavit has been filed on behalf of the respondent No. 1, namely, the State of Jharkhand and the respondent No. 2, the Director, Social Welfare but strangely enough, the respondent No. 2 has disowned the responsibility on the ground that the appointment of Anganbari Sevika does not fall within the jurisdiction of the Department of Social Welfare and therefore, he has nothing to do in the matter on the representation filed by the petitioner. Referring to the Circular, (Annexure-1) vide Memo No. 3/Sa/Ka-134/2002-Ka-585, issued by the Government of Jharkhand, through the Secretary, Social Welfare, Women and Children Development Department, issued by the Secretary to the Government, learned Counsel submits that besides laying down the procedures according to which the Anganbari Sevikas are to be appointed, Clause 17 of the aforesaid Govt. Circular states that the Director, Department of Social Welfare has the authority to cancel the appointment of the Anganbari Sevikas and Sahayikas, in the event of any irregularity in their appointments in violation of the procedure laid down in the

circular and the order of the Director, Social Welfare shall be appellable to the Secretary of the concerned Department. The respondent No. 2 cannot refuse to acknowledge his responsibilities.

5. The petitioner has raised specific grounds, challenging the appointment of the private respondent No. 9 by denying such appointment to the petitioner and has referred to the minutes of the meeting of the Amsabha, which was held for Selection of the candidates on the post of Anganbari Sevika for the aforesaid centre.

6. In the light of the above facts and circumstances, the respondent No. 2, with reference to his powers and duties as stated in Clause 17 of the aforesaid Government Circular, issued by the Social Welfare, Women and Children Development Department, shall consider the representation of the petitioner and pass an appropriate reasoned order on the same in accordance with law, within three months from the date of submission of a copy of this order by the petitioner alongwith a copy of her representation (Annexure-4).

7. With the above observations and directions, this writ application stands disposed of.