

Anita Devi Vs. State of Jharkhand and Ors

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Court : Jharkhand

Decided On : Feb-12-2016

Appellant : Anita Devi

Respondent : State of Jharkhand and Ors

Advocate for Def. : Mr. Deepak Kumar

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 5462 of 2010
Anita Devi, Wife of Shri Deo Narayan Sao, resident of Village-Karma, P.O.-
Rampur, P.S-Chauparan, District-Hazaribagh. .. . Petitioner Versus 1. The State
of Jharkhand.

2. The Deputy Commissioner, Hazaribagh, P.O. & P.S. & District- Hazaribagh.

3. The District Development Commissioner, Hazaribagh, P.O. & P.S. & District-
Hazaribagh.

4. The District Superintendent of Education, Hazaribagh, P.O. & P.S. & District-
Hazaribagh.

5. The District Programme Officer, Hazaribagh, P.O. & P.S. & District- Hazaribagh.

6. The Child Development Programme Officer, Hazaribagh, P.O. & P.S. & District-
Hazaribagh.

7. Rekha Kumari, Wife of Shri Anil Kumar, resident of Village-Nawada, P.O. Rampur, P.S. Chauparan, District-Hazaribagh. . . . Respondents ----- CORAM: HONBLE MR. JUSTICE PRAMATH PATNAIK ----- For the Petitioner : Mr. Ranjan Kr. Singh, Advocate For the Respondents-State : Mr. Rishikesh Giri, Adv. For the Respondent no.7 : Mr. Deepak Kumar, Adv ----- th 6/Dated:12 February, 2016 Per Pramath Patnaik, J.:

1. In the accompanied writ application, the petitioner has inter alia prayed for issuance of writ in the nature of certiorari for quashing the order dated 04.02.2008 relating to cancellation of appointment of the petitioner as Sevika of centre Nawada and for direction to the respondents to reinstate the petitioner in service by quashing the selection of respondent no.7.

2. Sans details, the brief facts, as disclosed in the writ application, is that in pursuance to selection made by the Aam Sabha on 24.06.2007, the petitioner along with respondent no.7 were considered, but petitioner was selected and, accordingly, appointment order was issued. In pursuance to the said selection the petitioner joined and performed her duties to the best of her ability. During the selection, the petitioner and respondent no.7 submitted their respective education certificates, but, to the utter surprise vide order dated 04.02.2008 the services of the petitioner has been 2 terminated and direction has been issued for fresh selection. Being aggrieved by the termination, the petitioner submitted representations to the authorities vide Annexure-7 series but the said representations have not borne any fruitful results. Being aggrieved by the impugned order of termination and being dissatisfied with the inaction of the respondents in not considering the representations, the petitioner left with no alternative, efficacious and speedy remedy, approached this Court under Article 226 of the Constitution of India, invoking extraordinary jurisdiction of this Court for redressal of her grievance.

3. Per contra, a counter affidavit has been filed on behalf of respondents repelling the contentions made in the writ application. In the counter affidavit, it has been submitted that in pursuance to selection by the Aam Sabha, the petitioner joined as Sevika and performed her duty from 02.08.2007 to 07.02.2008 for a short

period. Later on one Smt. Rekha Devi, wife of Sri Anil Kumar made a complaint against the petitioner Anita Devi that she was not the resident of Nawada Tola, therefore, she is not eligible for selection. According to the circular of Department of Social Welfare, Women and Child Development, Government of Jharkhand dated 02.06.2006 for such selection, the candidate is required to be a resident of the said tola/village in which the Aanganbari Centre is situated. On receipt of the complaint, notice was issued to both the petitioner and the complainant to place their respective cases. In the inquiry, it came to light that the selected Aanganbari worker Smt. Anita Devi was resident of altogether different village at Karma Panchayat, Rampur, Block-Chouparan. Therefore, the selection of the petitioner was cancelled as per the guidelines of the Department of Social Welfare, Women and Child Development, Government of Jharkhand under letter dated 02.06.2006. It was evident that the petitioner had concealed her actual place of residence with a view to mislead the members present in the Aam Sabha. It has further been submitted in the counter affidavit that an Aam Sabha was convened on 29.01.2009 in which Smt. Rekha Devi, wife of Anil Kumar was unanimously selected for the appointment, a photo copy of the inquiry report, proceedings of Aam Sabha dated 24.06.2007 and letter dated 04.02.2008 has been annexed as Annexures-A, B and C to the counter 3 affidavit. It has further been submitted that before termination, the petitioner was given ample opportunity to represent her case, but, in the inquiry it was disclosed that she was a resident of village Karma. Since, the said Rekha Kumari-respondent no.7 fulfilled all the criteria, she was selected and as the petitioner did not fulfill either of these criteria, her selection was cancelled.

4. Heard Mr. Ranjan Kumar Singh, learned counsel appearing for the petitioner as well as Mr. Rishikesh Giri appearing for the State and Mr. Deepak Kumar, appearing for the respondent no.7 and perused the records.

5. Learned counsel for the petitioner has strenuously urged before this Court by referring to rejoinder to the counter affidavit, wherein it has been submitted that the petitioner possess Matric pass and as such she has rightly been selected by the Aam Sabha. Moreover, the husband of the respondent no.7 is in Government job as Para Teacher whereas petitioners family has no source of income. The petitioner has referred to the Clause-4.6 and 4.9 of the guidelines as per

Annexure-1 to the rejoinder.

6. After hearing learned counsel for the respective parties and on perusal of the records, I am of the considered view that the petitioner has not been able to make out a case for interference, due to the following facts: (I) In pursuance to selection by the Aam Sabha for the post of Sevika for Nawada Aanganbari Centre at Chouparan Block, the petitioner was unanimously selected, but the selection of the petitioner was in violation of the circular of the Department of Social Welfare, Women and Child Development, Government of Jharkhand under letter dated 02.06.2006 in which a candidate is required to be resident of the tola/village in which the Aaganbari Centre is situated. The petitioner does not fulfill the condition on the basis of complaint made by respondent no.3. The matter was inquired into and during inquiry it came to light that the petitioner was resident of altogether different village at Karma Panchayat, Rampur, Block-Chouparan. Therefore, the selection of the petitioner was cancelled as she was not eligible for selection as per the said guidelines. Since, the petitioner has resorted to concealment of the facts, in order to derive undue benefit, the selection of the petitioner has been cancelled after giving opportunity of hearing. Therefore, the petitioner is guilty of unfair means in getting selected. 4 7. In view of the aforesaid facts, the impugned order of termination dated 04.02.2008 does not warrant any interference of this Court. Accordingly, the writ petition is dismissed being devoid of any merit. (Pramath Patnaik, J.) Saket/-

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