

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 706 of 2012

Bindu Kumari, wife of Sri Kamlesh Kumar, resident of Village Ramshala, P.O. Basodih, P.S. Satgawan, District Koderma.

... ... Petitioners

V E R S U S

1. The State of Jharkhand.
2. The Deputy Commissioner, Kodarma.
3. The Deputy Development Commissioner, Koderma.
4. The Child Development Project Officer, Satgawa, Koderma.
5. The Block Development Officer, Satgawa, Koderma.
6. Kumari Sita, wife of Sanjeev Kumar, resident of village Shivpur, P.O. & P.S. Satgawa, District Koderma

... ... Respondents.

For Petitioner : Ms. Nivedita Kundu, Advocate
For Respondent-State : JC to SC-IV
For Respondent No. 6 : Mr. Pankaj Kumar Choudhary, Advocate

CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK

03/ 31.08.2017 Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has approached this Court with a prayer for setting aside letter dated 12.12.2011, issued by respondent No. 3, whereby the respondents have rejected the claim of the petitioner and appointed respondent No. 6. Further prayer has been made to appoint the petitioner on the post of Anganwari Sewika.

FACTUAL MATRIX

3. The State Government had invited application for the post of Anganwari Sewika of Anganwari Centre of village Ramshala, in response to which, petitioner, who is a married woman and permanent resident of village Ramshala, P.O. Basodih, P.S. Satgawan, District Koderma along with respondent No. 6, has applied for the said post. Thereafter, an Aam Sabha was organized on 21.12.2010, under the Supervision of Block Development Officer and due to difference of decision regarding selection of person for the post of Anganwari Sewika, it was decided to refer the matter to the District Level Committee to take a decision in this regard. As the case of the petitioner was not considered and

respondent No. 6 was appointed, the petitioner represented before the respondent-authorities for consideration of her case but since, the same has not been considered, she knocked the door of this Hon'ble Court.

4. Ms. Nivedita Kundu, learned counsel appearing for the petitioner argues that respondent No. 6 is not eligible for that post due to the fact that she is the resident of village Shivpur and selection was made for Anganwari Centre, Ramshala. In this regard, she has furnished the certificate that she was the resident of village Ramshala but the same was not considered illegally and arbitrarily and the name of respondent No. 6 was recommended for appointment by Village Level Committee. Learned counsel further argues that she also fulfills the other criteria as regards to education and residence but her case was not considered.
5. Per contra, counter-affidavit has been filed by the respondents.
6. Mr. Pankaj Kumar Choudhary, learned counsel appearing for respondent No. 6, justified the impugned order and argues that there is no illegality or infirmity in the impugned order and respondent No. 6 was rightly selected for the post of Anganwari Sewika, as she belongs to village Shivpur, which comes under Ward No. 10 of village Ramshala. It has further been argued that Ramshala is not only a village but it is also a Panchayat and village Shivpur comes under the Panchayat of Ramshala (Ward No. 10) and as such, respondent No. 6 has rightly been appointed on the said post.
7. Learned JC to SC-IV argues that on verification of the certificates filed by the petitioner, which has been brought to the notice of the Court by way of rejoinder, it has been crystal clear that case of the petitioner has duly been considered by the respondent-authorities, but subsequently, it has found that due to some confusion, respondent No. 6 was appointed, as the petitioner belongs to the said village, and recognition has to be done at the hands of the respondents and appointment letter has to be issued to the petitioner, but inadvertently, respondent No. 6 has been issued the appointment letter for the post of Anganwari Sevika.
8. Be that as it may, having gone through the rival submissions of the parties, this Court is of the considered view that as the respondent No. 6 was appointed on the recommendation of the Village Level Committee which was duly approved by the Deputy Development Commissioner, Koderma, and hence, she is not responsible for issuance of the said order. Respondent No. 6 is already working on that post from the date of appointment i.e. since 12.12.2011, no orders for appointment of the petitioner can be given by this Court. But since the

learned counsel for the respondent himself submitted that inadvertently the order of appointment has been issued to respondent No. 6, I hereby quashed and set aside the order dated 12.12.2011, issued by respondent No. 3.

9. As a cumulative effect of the aforesaid rules, guidelines, judicial pronouncements, the matter is remanded back to the respondent-authorities for holding a fresh Aam Shabha and after issuance of notices to the petitioner as well as to the respondent No. 6, whoever is found eligible, after selection process, fulfilling the requisite qualification and criteria and after examining the entire documents, a fresh appointment letter be issued, after affording proper opportunity.
10. With the aforesaid observations, this writ petition stands disposed of.

(Dr. S.N. Pathak, J.)

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