

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S).No. 2874 of 2018

1. Sumitra Kujur
2. Sangita (Tirkey) Toppo**Petitioners**

-Versus-

1. The State of Jharkhand
2. The Secretary, Department of Social Welfare Woman and Child Development, Govt. of Jharkhand, Ranchi.
3. The Deputy Director, Welfare Department, Govt. of Jharkhand, Ranchi.
4. The Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Govt. of Jharkhand, Ranchi.
5. The Commissioner, South Chotanagpur Division, Ranchi.
... ..**Respondents**

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

For the Petitioners : Mr. Amaresh Kumar, Advocate
For the Respondents: Mr. Arbind Kumar, AC to GP-II

04/ 31.07.2018 Heard learned counsel for the petitioners and learned counsel for the respondents.

2. Petitioners have approached this Court with a prayer for appointment to the post of Lady Supervisor under Child Welfare Department amongst the post reserved for Anganbari Sevika with all consequential benefits including seniority.
3. The brief facts of the case is that an advertisement was floated on the website of Jharkhand Govt. in the year 2012 on the basis of letter issued by the Department of Social Welfare, Women and Child Development, Govt. of Jharkhand vide letter No. 10/2007-1598 dated 13.11.2007 for recruitment of Lady Supervisor, wherein it has been mentioned that 25% of total vacancy were reserved for Anganbari Sevika and rest of the vacancies for meant for direct recruitment. In view of the aforesaid advertisement, the petitioners submitted their application forms for the post of Lady Supervisors for the Department of Social Welfare, Women and Child Development, Govt. of Jharkhand under Scheduled Tribe Category. It is the case of the petitioners that petitioner No. 1 had joined the post of Anganbari Sevika at Ranchi Sadar on 25.10.1994 and since then, she was working and has got more than 15 years' experience on the said post. Petitioner No. 2 was appointed on 30.04.1998 and joined on 11.06.1998 at

Boriya Sahu Tola Centre, Kanke, Ranchi and has experience of more than 10 years. As both the petitioners were eligible for appointment to the post of Lady Supervisors, their candidatures were considered by the respondents and after passing the written examination, a gradation list was prepared and after being declared successful, the petitioners were finally selected. The names of the petitioner Nos. 1 and 2 were placed at Sl. Nos. 1 and 7 respectively under the Scheduled Tribe Category. It is the specific case of the petitioners that no letter of appointment was offered to them on the ground that degree obtained from Prayag Mahila Vidyapith, Allahabad is not a valid degree. The respondents are relying on the letter No. 4786 dated 01.06.2015 issued by the State of Jharkhand, in which it has been categorically held that the persons possessing the degree from Hindi Vidyapith, Deoghar will not be considered for promotion and appointment in the government service and relying on the same, the respondents have not issued letters of appointment to the petitioners. The petitioners represented before the respondent-authorities to consider the cases of the petitioners as they were duly qualified and have been declared successful in the written examinations and their names also find place in the merit list. However, when no consideration was shown to their representations, the petitioners were constrained to knock the door of this Hon'ble Court for redressal of their grievances.

4. Mr. Amaresh Kumar, learned counsel appearing for the petitioners submits that though the petitioners have qualified and declared successful and their names find place in the merit list at Sl. No. 1 and 7 respectively but they have not been issued the letter of appointment and have been denied the same on the frivolous grounds which is not tenable in the eyes of law. Learned counsel draws the attention of the Court towards Annexure-9 to the writ petition, which is the copy of Minutes of the Meeting dated 12.03.2018, headed by the Commissioner, South Chhotanagpur Division, Ranchi, wherein a conscious decision was taken that only the certificates issued by the Deoghar Hindi Vidyapith will not be taken into consideration in view of letter No. 4786 dated 01.06.2015. Learned counsel further argues that in the said letter nothing has been mentioned about Prayag Mahila Vidyapith and as such, in view of order passed in C.W.J.C. No. 935 of 2013, the certificates of Prayag Mahila Vidyapith has to be taken into consideration as valid certificates and as such, the letter dated 01.06.2015 will not come in the way of the respondents to appointment the

petitioners. Learned counsel accordingly prays that a direction be given to the respondents to consider the cases of the petitioners for appointment.

5. On the other hand, Mr. Arbind Kumar, learned counsel appearing for the respondent-State very fairly submits that since no counter-affidavit has been filed in this case, he is not in a position to say as to why the cases of the petitioners were not considered. However, learned counsel submits that if a direction is given by this Hon'ble Court a decision will be taken on the pending representation of the petitioner taking into account Annexure-9 to the writ petition.
6. Be that as it may, having gone through the rival submissions of the parties, this Court is of the considered opinion that the cases of the petitioners need consideration. Admittedly, the names of the petitioners figures in the merit list at Sl. No. 1 and 7 respectively and hence, it is clear that the petitioners are duly qualified and have been declared successful. However, their appointments have been denied on the ground that they have obtained the certificates issued by the Prayag Mahila Vidyapith. Nothing has been brought on record to show that whether the certificates issued by the Prayag Mahila Vidyapity, Allahabad can be considered or not. However, this issue has already been decided by the Hon'ble Patna High Court in C.W.J.C. No. 935 of 2013 and consideration to the same has been given by the respondents themselves in their meeting dated 12.03.2018.
7. In such situation, I hereby direct the petitioners to file a fresh representation bringing to the knowledge of the respondents the minutes dated 12.03.2018, within a period of two weeks from the date of receipt of a copy of this order. The respondents are further directed to pass a reasoned order in accordance with law.
8. Needless to say that if it is found that petitioners have duly qualified and their names appears in the merit list, the letter dated 01.06.2015 will not come in the way of the respondents in considering the cases of the petitioners for their appointment to the post of Lady Supervisors.
9. With the aforesaid observations and directions, the writ petition stands disposed of.

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