

IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(S) No.937 of 2020

Afrin Reza, aged about 22 years, w/o Md. Zamil Akhtar, resident of
village Palsa South, PO Radhipur, PS Maheshpur, District Pakur
..... Petitioner

---Vs.---

- 1.The State of Jharkhand through the Secretary, Child Development and Woman Development Department at HEC Dhurwa, PO and PS Dhurwa, Ranchi
- 2.The Director Integrated Child Development Scheme, at HEC Dhurwa, PO and PS Dhurwa, Ranchi
- 3.The Deputy Commissioner, Pakur, PO Pakur, PS Pakur(T), District Pakur
- 4.The Deputy Development Commissioner, Pakur, PO Pakur, PS Pakur(T), District Pakur
- 5.District Social Welfare Officer, Pakur, PO Pakur, PS Pakur(T), District Pakur
- 6.District Programme Officer, Pakur, PO Pakur, PS Pakur(T), District Pakur
- 7.Child Development Programme Officer, at +PO and PS Maheshpur, Dist. Pakur
..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Birendra Kumar, Advocate
For the Respondent-State	:	Mr. Ashish Kumar, AC to GA-I

Order No. 2 : Dated 07th July, 2020

Heard Mr. Birendra Kumar, the learned counsel appearing for the petitioner and Mr. Ashish Kumar, AC to GA-I appearing on behalf of the respondent-State.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have

complained about any technical snag of audio-video and with their consent this matter has been heard.

3. The petitioner has preferred this writ petition for quashing letter dated 17.01.2020 whereby the selection of the petitioner to the post of Sewika at Anganwadi Centre Palsa, pursuant to Aam Sabha dated 05.07.2019 has been cancelled.

4. Mr. Birendra Kumar, the learned counsel for the petitioner submits that the Aam Sabha was convened on 05.07.2019 and the petitioner was selected on the post of Sewika. Within eight days the petitioner was sent for training. He submits that all of a sudden after about 5 months letter dated 17.01.2020 has come to the knowledge of the petitioner whereby the appointment pursuant to the Aam Sabha held on 05.07.2019 has been cancelled which is not in accordance with the rules, regulations and guidelines.

5. The learned counsel for the respondent State submits that the writ Court under Article 226 of the Constitution of India may not interfere at this stage as there is alternative remedy by way of filing an appeal before the Deputy Commissioner. He further submits that the said post is also not civil in nature and in that view also the writ is not maintainable.

6. Accordingly, the petitioner is directed to file a fresh representation before the Deputy Commissioner, Pakur, respondent no.3 within three weeks.

7. If such a representation is filed within the aforesaid period, the Deputy Commissioner, Pakur shall take a decision in accordance with rules, regulations and guidelines with regard to such appointment within a period of eight weeks thereafter.

8. With the aforesaid observation and direction, the writ petition [W.P.(S) No.937 of 2020] stands disposed of.

9. I.A. if any also stands disposed of.

(Sanjay Kumar Dwivedi, J.)