

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(S) No. 334 of 2020**

Sanju Singh, son of Sri Satendra Singh, aged about 28 years, resident of village Sirkha Toli, Khijri, P.O. Khijri, P.S. Namkum , District-Ranchi

... Petitioner

Versus

- 1.The State of Jharkhand
2. The Deputy Commissioner-cum-District Magistrate, Palamau
- 3.The Deputy Development Commissioner, Palamau
4. The District Social Welfare Officer, Palamau
5. The Child Development Project Officer, Hariharganj, Palamau

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Raj Vardhan, Advocate

For the Respondent-State : Mr. Ankit Kumar, A.C. to S.C. (Mines)-1

02/Dated: 07/07/2020

1. Heard, Mr. Raj Vardhan, learned counsel for the petitioner and Mr. Ankit Kumar, learned counsel for 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. Petitioner has preferred this writ petition for quashing order dated 27.09.2019 whereby the petitioner has been terminated from the post of Sevika, Aganbari Centre, Damwa passed by the Deputy Development Commissioner, Palamau.
4. Mr. Raj Vardhan, learned counsel for the petitioner submits that the petitioner was selected as Sevika, Aganbari Centre, Damwa, Hariharganj on 19.02.2014 and accordingly, the provisional appointment letter was issued in favour of the petitioner. He further submits that due to illness the petitioner took leave from Child Development Project Officer, Hariharganj on 06.06.2017. He further submits that all on a sudden, an enquiry was made and the petitioner was found absent from the center, accordingly show-cause was issued and the petitioner was terminated from the service.

5. Mr. Ankit Kumar, learned counsel for the respondent-State submits that the post of Sevika is not civil post and the same cannot be decided in this writ petition under Article, 226 of the Constitution of India. He further submits that the Deputy Commissioner is an appellate authority for such post and the petitioner has alternative remedy.

6. Accordingly, the writ petition is disposed of with direction to the petitioner to approach the Deputy Commissioner, Palamau by way of filing fresh representation along with all the credentials on which she is relying within a period of three weeks from today. If such representation is filed within the aforesaid period, the Deputy Commissioner, Palamau shall take a decision on the representation of the petitioner with regard to such appointment in accordance with rules, regulations and guidelines within eight weeks thereafter.

7. With the aforesaid observation and direction, the writ petition is disposed of.

(Sanjay Kumar Dwivedi, J.)

Satyarthi/