

(2013) 09 JH CK 0022

Jharkhand High Court

Case No: Writ Petition (S) No. 6845 of 2012

Safina Shabnam Jahan

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Sept. 10, 2013

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: Deva Kant Rai, for the Appellant; Nahala Sharmin, JC to Sr. SC-II for the State,
for the Respondent

Final Decision: Dismissed

Judgement

Aparesh Kumar Singh, J.

Heard counsel for the parties. This writ application has been preferred by the petitioner after her appointment as Aaganwari Sevika, has been cancelled by the impugned order dated 17th January 2012 (Annexure-7) passed by the Respondent No. 4 - Deputy Commissioner, Sahibganj.

2. The petitioner claims to have been selected as a Aaganwari Sevika of West Mirzapur, Sahibganj Aaganwari Centre being a local resident and having an educational qualification of Intermediate from Jharkhand Academic Council. Thereafter, a provisional selection letter was issued to the petitioner on 23rd August 2010 (Annexure-5). Thereafter, one complaint was made against the petitioner by one candidate namely Shaili Khatun that her certificate was not genuine. Thereafter, said complainant Shaili Khatun preferred a writ petition being WPS No. 6026/2011 (Annexure-6) making the aforesaid allegation. The said writ petition was disposed of by directing the respondent Deputy Commissioner, Sahibganj to take a decision in accordance with law within a stipulated period after giving opportunity to the parties.

3. Consequent upon direction of this Court, a Miscellaneous case being Misc. Case No. 30/2011-12 was initiated in which the said lady Shaili Khatun and the present petitioner were both noticed and asked to present their cases. After hearing the parties, and on the allegations made against the petitioner, the Deputy Commissioner, Sahibganj came to a conclusion that the present petitioner had staked her claim for appointment as a Sevika on the basis of an Intermediate of Arts certificate obtained in 1st class, while other lady Shaili Khatun was having certificate of Intermediate of Arts in 2nd class; the petitioner had passed matriculation exam in 2006 and thereafter, Intermediate of Arts Exam in 2008 in the name of Safia Shabnam Jahan, daughter of Nazrul Islam and in these certificates, her date of birth was recorded as 14th February 1991. Further, the petitioner was also found to have obtained a degree of Maulivi from Madarsa Islamia Abdulapur, Sahibganj in sessions 2005-07, degree of Aalim in the Sessions 2007-08 and a degree of Aalim (Honours) in the Sessions 2009-10 in the name of Safia Khatoon, daughter of Nazrul Islam and her date of birth recorded in the said degrees was 14th April 1990. In such circumstances, because of different names adopted by the petitioner with different dates of birth for obtaining the relevant degrees from different institutions, one from Jharkhand Academic Council and others from Madarsa Islamia Abdulapur, Sahibganj during the said period, the Deputy Commissioner, Sahibganj came to a conclusion that the credentials of the petitioner were doubtful and the allegations made were found to be sustainable.

4. In such circumstances, having found the irregularity committed by the petitioner in obtaining appointment and indulging in use of "Pseudo Name" and different dates of birth, the Deputy Commissioner cancelled the decision arrived at by the Aam Sabha dated 23rd August 2010 and directed for holding a fresh Aam Sabha for selection of Aaganwari Sevika amongst the eligible candidates who apply for the same.

5. The petitioner has however failed to show any justification for such use of pseudo name and different dates of birth for obtaining qualifications of different degrees from different institutions and that too in the same period. The course adopted by the petitioner has therefore rendered the whole selection process a futile exercise and that is why the Deputy Commissioner, Sahibganj appears to have cancelled the decision of the Aam Sabha by which the petitioner was selected as Aaganwari Sevika, while ordering fresh Aam Sabha for selection of a candidate eligible to the said post. Having heard counsel for the parties and gone through the relevant materials on record, this Court does not find any reason to interfere in the impugned order. Accordingly, the writ petition is dismissed.