

(2011) 08 JH CK 0039

Jharkhand High Court

Case No: Writ Petition (S) No. 478 of 2011

Priyanka Devi

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Aug. 8, 2011

Hon'ble Judges: Dhirubhai Naranbhai Patel, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

D.N. Patel, J.

The present petition has been preferred for challenging the order passed at Annexure 5 dated 30th October, 2010 issued by the Deputy Commissioner, Palamau, whereby, one Seema Devi, who is having more educational qualification than the Petitioner, has been appointed as Anganbari Sevika for the village Goga (Jarhi Tola).

2. Learned Counsel for the Petitioner submitted that Seema Devi has presented document of Intermediate examination after the last date and, hence, she was not selected.

3. Learned Counsel for the Respondents submitted that the Petitioner's educational qualification is lesser than the qualification of Seema Devi. If there are similarly situated candidate, Anganbari Sevika is to be appointed out of the candidates, who is having higher educational qualification. Admittedly, Seema Devi is Intermediate pass candidate and, hence, she has been selected, whereas, the Petitioner is Matric pass and, therefore, the Petitioner does not deserve to be selected.

4. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, I see No. reason to entertain this writ petition mainly for the reason that Seema Devi is having more educational qualification than the Petitioner. Admittedly, Seema Devi is Intermediate pass candidate. Admittedly, Seema Devi has cleared Intermediate examination, whereas, the Petitioner has

cleared Matric examination. Rest of the qualification is equal. Therefore, higher educational qualification is the only criteria for the appointment of Anganbari Sevika. The contention raised by learned Counsel for the Petitioner that Seema Devi has presented certificate of Intermediate examination at later stage. This contention is not accepted by this Court mainly for the reason that there may be delay in presenting the certificate of Intermediate, but, the fact remains that Seema Devi has cleared Intermediate examination earlier than the date of advertisement for the post of Anganbari Sevika. Basically, looking to the work to be done by the Anganbari Sevika, it appears that Seema Devi is more suitable candidate than the Petitioner and she is also falling within the criteria, laid down by the Respondents.

5. In view of the aforesaid facts, there is No. substance in this writ petition and, hence, the same is, hereby, dismissed.