

State of Jharkhand and Others Vs Smt. Yashoda Yadav

Court: Jharkhand High Court

Date of Decision: May 15, 2012

Citation: (2012) 4 JCR 238

Hon'ble Judges: Dhirubhai Naranbhai Patel, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

D.N. Patel

1. Present application has been preferred by the State of Jharkhand, who is the original respondents in W:P.(S) No. 2226 of 2011 for review of

the order passed by this Court dated 24th August, 2011, whereby this Court has allowed the said writ petition and the order, dated 23rd

February, 2011, passed by the Deputy. Commissioner, Deoghar was quashed and set aside and the writ petition was allowed with a cost of Rs.

5,000/-. Counsel for the applicant submitted that this Civil Review Application has been preferred mainly on two grounds:

(a) Original petitioner is not a resident of village-Dangi, P.O. Jaridih, P.S. Jaridih, District Deoghar and therefore, original petitioner cannot be

appointed as an Anganbari Sevika in the concerned Anganbari Centre.

(b) For dispensing with the cost of Rs. 5,000/- awarded by this Court to the petitioner,

Counsel for the respondent (original petitioner) submitted that in the impugned order no such allegation has ever been levelled against the petitioner

that petitioner is not a resident of village-Dangi. Upon any allegation there would have been proper show-cause to the petitioner by the

respondents and therefore, in absence of any show-cause notice to the original petitioner, reason canvassed by the State of Jharkhand may not be

accepted by this Court. It is further submitted that in case there will be a show-cause notice served upon the original petitioner that she is not a

resident of village- Dangi, original petitioner will reply with necessary evidences. Nonetheless, it is vehemently submitted by. the counsel for the

original petitioner that petitioner belongs to village Dangi.

2. So far as the cost is concerned it is submitted by the counsel for the petitioner that let there be a token cost imposed upon the respondent State.

3. In view of these submissions, this Civil Review Application is hereby dismissed only on the following grounds:

(I) The new reason stated by the original respondent that the petitioner does not belong to village Dangi is not acceptable by this Court because no

show-cause notice has ever been given to the petitioner in this regard and had there been a show-cause notice to the petitioner, that would have

provided the original petitioner with an opportunity to reply and therefore, liberty is reserved with the State of Jharkhand to take necessary action

in accordance with law, if they so chose, but atleast after a detailed show-cause notice and an adequate opportunity of being heard is given to the

original petitioner.

(II) It is also brought to the notice of this Court that no enquiry was conducted in connection with the allegation levelled by the State against the

petitioner. No enquiry report was given by anyone. In view of this fact also the contention raised by the State of Jharkhand is not accepted by the

Court. It is only after a proper enquiry into the allegations by the original respondents that this allegation can be decided by this Court.

(III) So far as imposition of cost is concerned, looking to the facts and circumstances of the case initially a cost of Rs. 5,000/- was awarded vide

order dated 24th August, 2011 in W.P.(S) No. 2226 of 2011. The same is now reviewed at a cost of Rs. 250/-. This cost of Rs. 250/- will be

paid to the petitioner by the State of Jharkhand. The amount of cost is reduced to the aforesaid extent. Therefore, order passed by this Court

dated 24th August, 2011 in W.P.(S) No. 2226 of 2011 is modified only with respect to cost and nothing else.

The review application is, hereby, dismissed in view of the aforesaid observation with modification in cost to the aforesaid extent with no other

modification being allowed by this Court.