

Asha Kumari Vs State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: March 6, 2012

Acts Referred: Constitution of India, 1950 " Article 226

Citation: (2012) 3 JCR 237

Hon'ble Judges: Dhirubhai Naranbhai Patel, J

Bench: Single Bench

Advocate: Rajeeva Sharma, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

D.N. Patel, J.

The present writ petition has been preferred mainly for the reasons that the petitioner may be allowed to apply for the post

of Woman Supervisor for which public advertisement has been made on 23rd February, 2012, which is at Annexure 7 to the supplementary

affidavit, filed by the petitioner. Learned counsel for the petitioner submitted that the requirement for applying to the post of Woman Supervisor, is

the minimum experience of fifteen years as Anganbari Sevika for those, who are matriculate. It is submitted by the learned counsel for the petitioner

that the petitioner is falling within this category and the petitioner has already having experience of approximately twelve years as Anganbari

Sevika. It is further submitted by the learned counsel for the petitioner that in paragraph No. 12 of the memo of petition it has been stated that the

petitioner was already appointed as Instructor under the Informal Education at Kewat Tola Center, Mohanpur Block within the district of

Deoghar, from the year, 1989 to 1997 and if this experience is added to the present experience as Anganbari Sevika, she is entitled to prefer the

application for the post of Woman Supervisor and, therefore, let a suitable direction be given to the respondents to accept the application of the

petitioner for the post of Anganbari Sevika, because by adding the earlier experience from the year, 1989 to 1997 to the present experience of

twelve years as Anganbari Sevika, the petitioner will become eligible to prefer the application for the post of Woman Supervisor.

2. Learned counsel for the respondents-State submitted that as per the public advertisement, the minimum experience of fifteen years as Anganbari

Sevika is required, if a candidate is matriculate, to which category the petitioner is falling, and as the petitioner is not having the minimum

qualification, so far as experience is concerned, she is not eligible to apply for the post of Woman Supervisor and hence this writ petition may not

be entertained by this Court.

3. 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 following facts and reasons :

(i) The respondent-State Government has published public advertisement in the daily newspaper from the office of the Divisional Commissioner,

Santhal Parganas Division, Dumka for the post of Woman Supervisor and the minimum qualification for the matriculate candidate is fifteen years"

experience as Anganbari Sevika and for those candidates, who are graduate, ten years" experience as Anganbari Sevika is required. This public

advertisement is dated 23rd February, 2012, which is annexed as Annexure 7 to the supplementary affidavit, filed by the petitioner.

(ii) It further appears from the facts of the case that the petitioner was appointed as Anganbari Sevika in the year, 2001 and, thus, admittedly the

petitioner is not having fifteen years" experience as Anganbari Sevika and, therefore, she is not possessing the minimum experience, required for

the post of Woman Supervisor.

(iii) Learned counsel for the petitioner submitted that the petitioner had worked as Instructor under the Informal Education at the Kewat Tola

Center, Mohanpur Block within the district of Deoghar for the period, running from 1989 to 1997. This experience is as good as an experience of

Anganbari Sevika and, therefore, by clubbing these two experiences together, the petitioner will become eligible for applying to the post of Woman

Supervisor.

This contention is not accepted by this Court, mainly for the reason that the assumption on the part of the petitioner that earlier experience as

Instructor in Informal Education at Kewat Tola Center, Mohanpur Block within the district of Deoghar, is as good as the experience of Anganbari

Sevika or is equivalent to the experience of Anganbari Sevika, is baseless. This equation is not given by the Government.

(iv) Looking to the public advertisement, which is at Annexure 7 to the supplementary affidavit, filed by the petitioner, what is required is fifteen

years experience as Anganbari Sevika. This Court cannot alter this condition, while exercising powers under Article 226 of the Constitution of

India. The employer knows the requirement and what is required is not possessed by the petitioner.

(v) It further appears that the petitioner is already working as Anganbari Sevika since 2001 and, thus, no sooner did she complete fifteen years"

experience, she will have enough chance in future also for becoming eligible for the post of Woman Supervisor, but, as on today, admittedly she is

possessing only twelve years" experience as Anganbari Sevika.

As a cumulative effect of the aforesaid facts and reasons, I see no reason to entertain this writ petition and hence the same is hereby dismissed.