



CGHC010338882026



2026:CGHC:44062

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6431 of 2026

1 - Ramkumar Nag S/o Gagroo Nag Aged About 41 Years R/o House No. 143/kha Santali Para Ward No. 01 Sukma Distt. Sukma C.G. (Nagul Also Known As A Petitioner Surname)

... Petitioner

versus

- 1** - State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department At Mahanadi Bhawan / Vikas Bhawan, Sector-19, North Block, Atal Nagar, New Raipur, District Raipur (C.G.).
- 2** - The Director Directorate Of Panchayat Vikas Bhawan, Ground Floor, Sector-19, North Block, Atal Nagar, Nawa Raipur
- 3** - The Collector Sukma, District Sukma (C.G.)
- 4** - C.E.O. Distt. Panchayat Sukma Distt. Sukma C.G.
- 5** - C.E.O. / Programe Officer Janpad Panchayat Sukma Distt. Sukma C.G

... Respondents

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. Vikash A. Shrivastava, Advocate
For State	:	Mr. Suyashdhar Badgaiyan, G.A.

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

12/10/2026

1. On the last date of hearing i.e. 01/10/2026, this Court directed the Secretary, Panchayat and Rural Development Department, Government of Chhattisgarh, to file an affidavit explaining why the officers of the District Panchayat/Janpad Panchayat, upon whom

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notices issued by this Court had been duly served, were not appearing before this Court.

2. In compliance with the aforesaid direction, the Secretary, Panchayat and Rural Development Department, Government of Chhattisgarh, has filed an affidavit dated 05.10.2026, explaining the reasons for the non-appearance of the officers of the Janpad Panchayat and Zila Panchayat. It has further been undertaken that the concerned officers have now been directed to remain vigilant and maintain effective coordination with the Officers-in-Charge of the cases and the learned State counsel to ensure due compliance with the orders passed by this Court. The Secretary has also tendered an unconditional apology for the inconvenience caused to this Court. The affidavit is taken on record.
3. Learned State counsel, appearing on behalf of the State, as well as learned counsel appearing on behalf of the respondents/Chief Executive Officer (C.E.O.), submit that the reply has been filed.
4. Learned counsel for the petitioner submits that no rejoinder to the reply/affidavit is required to be filed. Accordingly, with the consent of the parties, this Court proceeds to hear the matter finally.
5. By the present petition, the petitioner has prayed for following reliefs:-

“10.1 To call for the records of the case for kind perusal of this Hon'ble court

10.2 To issue an appropriate writ or order and declare that the order/memo dated 20.08.2026 (Annexure-P/1) is illegal and bad.

10.3 To issue an appropriate writ or order and quash the

order / memo dt. 20.08.2026 (Annexure-P/1).

10.4 Any other relief deemed fit in the facts and circumstances of the case may also be granted.”

6. Learned counsel for the petitioner submits that the impugned memo dated 20.08.2026 (Annexure P-1) was issued by the Chief Executive Officer, Zila Panchayat, Sukma (respondent No. 4), rejecting the petitioner's candidature on the ground that a criminal case had been registered against him. Referring to Clause 22 of the application (Annexure P-6), learned counsel submits that the petitioner had specifically disclosed the details of Criminal Case No. 31/2018, in which he had been acquitted of the charges under Sections 452/34, 354/34, 354-B, 294/34 and 323/34 of the Indian Penal Code (IPC). The petitioner had also annexed a copy of the judgment evidencing his acquittal in the said case. Learned counsel further submits that, despite the aforesaid disclosure and in the absence of any disqualification rendering the petitioner ineligible for the post, his candidature has been rejected merely because he disclosed the details of the criminal case, despite having been acquitted.
7. Learned counsel appearing for respondents No. 4 and 5 submits that Clause 8 of the advertisement dated 10.06.2026, particularly sub-clauses (6) clearly stipulates that a candidate who has been removed from service on account of certain charges shall not be eligible for appointment to the post of Secretary, Gram Panchayat. Referring to sub-clauses (12) to (14), learned counsel further submits that non-disclosure of a criminal case, including a case in which the candidate has subsequently been acquitted, renders

the candidate ineligible to participate in the recruitment process. He submits that the petitioner's candidature has been rejected on account of his alleged non-disclosure of the criminal case. Learned counsel further submits that the petitioner had earlier been removed from service in connection with the alleged criminal charges and was subsequently reinstated. However, despite his reinstatement, the petitioner remains ineligible to participate in the recruitment process in view of the conditions stipulated in the advertisement.

8. I have heard learned counsel for the parties, perused the clause mentioned in the advertisement.
9. Sub-clauses (6), (12), (13) and (14) of Clause 8 of the advertisement read as follows:

“6. पूर्व में नियोजित किंतु किसी आरोप के आधार पर पदच्युत किए गए कर्मी/कर्मचारी ग्राम पंचायत सचिव पद पर नियुक्ति हेतु अपात्र होंगे।

12. आवेदक/आवेदिका के विरुद्ध कोई दण्डिक प्रकरण किसी पुलिस थाने/न्यायालय में अनुसंधान/विचारण हेतु लंबित है, अथवा किसी न्यायालय में निराकृत हो चुका है, तो संबंधित अधिनियम एवं धारा सहित प्रकरण क्रमांक एवं निर्णय आदि की जानकारी स्पष्ट रूप से उल्लेख करें।

13. यदि आवेदक किसी ऐसे अपराध के लिए सिद्ध दोष ठहराया गया हो, जिसमें नैतिक अधमता अंतर्वर्णित हो, अपात्र होगा।

14. यदि आवेदक महिलाओं के विरुद्ध प्रताड़ना के किसी अपराध के लिए सिद्ध दोष ठहराया गया हो, अपात्र होगा।”

10. Upon perusal of the above conditions of the advertisement & the

fact narrated by the petitioner, it is not in dispute that the petitioner was charged with offences punishable under Sections 452/34, 354/34, 354-B, 294/34 and 323/34 of the Indian Penal Code (IPC) and was subsequently acquitted of the said charges. The petitioner has placed on record a copy of the judgment dated 13.03.2019 passed by the Additional Sessions Judge, F.T.C., Dantewada, South Bastar, Dantewada (C.G.), evidencing his acquittal.

11. As regards the petitioner's earlier removal from service, it is not in dispute that he was subsequently reinstated by the Chief Executive Officer, Janpad Panchayat, Sukma. The fact of his reinstatement was also duly disclosed by the petitioner at the time of submitting his application.
12. As regards the contention raised by the respondents that the petitioner's candidature was rejected on account of non-disclosure of the criminal case, it is evident from Clause 22 of the application form (Annexure P-6) that the petitioner had specifically disclosed the factum of the criminal case and his acquittal therein. The petitioner had also annexed a copy of the judgment of acquittal along with his application. Therefore, the contention that the petitioner had failed to disclose the criminal case is contrary to the material available on record.
13. In view of the petitioner's acquittal in the criminal case, his disclosure of the relevant particulars in the application, and his subsequent reinstatement in service, the grounds urged by learned counsel for the respondents, with reference to the

conditions stipulated in the advertisement, do not justify the rejection of his candidature. Consequently, the impugned memo dated 20/08/2026 (Annexure P-1), insofar as it relates to the petitioner, is illegal and arbitrary and is hereby quashed.

14. Accordingly, the writ petition is **allowed**. The respondents are directed to permit the petitioner to participate in the further stages of the recruitment process for the post in question. Earlier, by order dated 31.08.2026, one post against which the petitioner had applied was directed to be kept vacant. The respondents shall, therefore, proceed with the petitioner's candidature in accordance with law & till the vacant post accordingly.

SD/-

(BIBHU DATTA GURU)
JUDGE

Amardeep