

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 6891 of 2008

- Smti Sarita Wife Of Rajkumar aged 26 years resident of village Girwarganj Tahsil Surajpur Distt. Sarguja (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh through Director (Panchayat) Directorate of Panchayat and Samaj Sewa Raipur (C.G.)
3. Collector (Mahila Avam Bal Vikash Sakha) Distt. Sarguja (C.G.)
4. Smti Parvati wife of Mahender Preasad Rajwar, aged 27 years resident of village Girwarganj Tahsil Surgajpur distt. Sarguja

---- Respondents

For Petitioner	: Shri J.S. Baraik, Advocate
For Respondent/State	: Shri Shashank Thakur, Government Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

11/05/2015

1. Petitioner is aggrieved by the appellate order passed by the Director (Panchayat) allowing the appeal preferred by the respondent No.3 to set-aside the order passed by the Collector, Surguja on 14/06/2007, whereby the appointment of respondent No.3 as Aangan Badi Worker of Aangan Badi Centre, Baraipara, Village Girwarganj, Janpad Panchayat Surajpur was cancelled.

2. The concerned Gram Panchayat undertook the exercise of recommending panel of candidates for appointment of Aangan Badi Worker of the said Centre. Petitioner as well as the respondent No.3 were included in the panel. The Janpad Panchayat, Surajpur appointed the respondent No.3 by it's order dated 25/09/2006, however, on receipt of representation and

complaints the Additional Collector, Surguja cancelled the appointment on 14/06/2007. It is this order which was challenged by respondent No.3 before the Director (Panchayat).

3. The Director (Panchayat) allowed the appeal preferred by respondent No.3 on the ground that the said respondent was not afforded any opportunity of hearing before the cancellation of her appointment.

4. Shri Baraik, learned counsel for the petitioner would submit that the father and father-in-law of respondent No.3 are working in the Vishrampur colliery, therefore, she does not belong to the Below Poverty Line (for short, 'BPL') family and as such she could not have been appointed as Aangan Badi Worker. The petitioner has secured more marks in the Middle School Examination than the respondent No.3, therefore, considering all the parameters, the petitioner is more meritorious, therefore, the Janpad Panchayat should have appointed the petitioner rather than the respondent No.3.

5. Perusal of the order passed by the Director (Panchayat) would reveal that the certificate of being a member of BPL family issued in favour of petitioner has been doubted, thus there are allegations and counter allegations by the petitioner and the respondent No.3 against each other. At the same time, once the respondent No.3 was offered an appointment and was working on the post, her services could not have been terminated without giving any opportunity of hearing. The order passed by Director (Panchayat) on this count needs no interference, however, the Director (Panchayat) should have remitted the matter to the concerned Collector for making an enquiry and passing fresh order in view of allegations of serious nature against the respondent No.3.

6. For the foregoing, the writ petition is disposed of with a direction that

the Collector, Surajpur shall consider and decide the entire issue concerning the validity of the appointment of respondent No.3 and the claim of the petitioner for appointment on the post of Aangan Badi Worker of Aangan Badi Centre, Baraipara, Village Girwarganj, Janpad Panchayat Surajpur after examining the record and affording opportunity of hearing to both the parties. The Collector Surajpur shall complete the exercise within a period of six months from the date of submission of certified copy of this order.

JUDGE