

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6307 of 2010**

Vijendra Kumar Dewangan S/o Shri Gopi Ram Dewangan, aged about 22 years,
R/o Village & PO Potiyadih, Tahsil and District Dhamtari (CG).

---- **Petitioner****Versus**

1. State Of Chhattisgarh through Secretary, Department of Panchayat & Rural Development, DKS Bhawan, Raipur(CG).
2. The Development Commissioner (Rozgar Guarantee Yojna Prakoshtha), Vikas Bhawan, Civil Lines, Raipur (CG).
3. The Chief Executive Officer, Janpad Panchayat, Dhamtari, District Dhamtari (CG).
4. Mukesh Kumar Sinha S/o Shri Ramdayal Sinha, aged about 22 years R/o village & PO Potiyadih, Tahsil and District Dhamtari (CG).

---- **Respondents**

For Petitioner	Shri PR Patankar and Shri Utkarsh Mahishwari, Advocates.
For Respondent/State	Shri Raj Kumar Jaiswal, Panel Lawyer.
For Respondent No.3	Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/10/2015**

1. The Petitioner seeks to impugn his non appointment on the post of Gram Rozgar Sahayak, Gram Panchayat, Potiyadih, District Dhamtari.
2. Learned counsel appearing for the Petitioner submits that Petitioner was more meritorious than the Respondent No.4 who has been appointed on the said post, and therefore, the act on the part of Respondents in not considering the case of Petitioner is arbitrary and illegal.

3. Per contra, learned counsel appearing for the Respondents submitted the fact that the writ petition is not sustainable on two counts firstly; the Petitioner has a remedy of filing of Appeal and thereafter Revision under the provisions of Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995. Secondly; on merit the case of petitioner is not sustainable for the reason that when the case of the Petitioner was scrutinized, it was found that the Petitioner was infact on earlier occasion appointed as Gram Rozgar Sahayak in the year, 2007 and subsequently on account of certain financial irregularities his services were terminated on 06.05.2008. Against the said order of termination, he preferred Writ Petition (S) No.4299 of 2008 which was dismissed by co-ordinate Bench of this Court on 20.08.2008 upholding his termination order.
4. Admittedly, such an order is Appealable under the provisions of Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995. Since this petition is pending before this court for more than five years, this court feels it proper to consider and decide the case of the petitioner finally on its merits.
5. A bare perusal of reply filed by the Respondents would reveal that the Petitioner infact was not considered for appointment on the post of Gram Rozgar Sahayak taking in to consideration his past record. Admittedly, the Petitioner, on an earlier occasion was appointed on the same post of Gram Rozgar Sahayak and subsequently his services were terminated on account of serious financial irregularities and misconduct. The said termination order was found to be proper by this court in Writ Petition (S) No.4299 of 2008 decided on 20.08.2008.
6. The very fact that Petitioner on an earlier occasion was appointed on the post of Gram Rozgar Sahayak and was terminated on account of serious financial irregularities and misconduct, if the Respondent authorities in the process of considering the case for fresh appointment have ignored the claim of the

Petitioner taking into account his past record, it cannot be said to be arbitrary, illegal or discriminatory. Further, the petitioner has not refuted any of the contentions said in this regard by the Respondents in their reply by filing any rejoinder to counter the submissions of Respondents.

7. In absence of any rebuttal on the part of Petitioner, the decision of the Respondents in not considering the case of the Petitioner for appointment on the post of Gram Rozgar Sahayak appears to be proper and legal and this court does not find any merit in the petition warranting interference of this court under Article 226 of the Constitution of India.
8. In the result, the writ petition being devoid of merit is liable to be and is hereby dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE