

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 2317 of 2014

1. Lucky Dewangan S/o Lt Shri Shiv Kumar Dewangan, Aged About 25 years R/O Village & Post Bargaon, Tah Berla, Distt Bemetara, CG
2. Domar Sahu S/o Shri Shakun Sahu Aged About 25 Years R/O Vill & Post Bargaon, Tah Berla, Distt Bemetara, CG

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat, And Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, Dist Raipur, CG
2. Collector Bemetara, Distt Bemetara, CG
3. Chief Executive Officer, Zila Panchayat, Durg, Distt Durg, CG
4. Project Director District Rural Development Agency (Drda), Bemetara, Distt Bemetara, CG
5. Chief Executive Officer, Janpad Panchayat, Berla, Distt Bemetara, CG
6. Gram Panchayat, Bargaon, Through Sarpanch, Gram Panchayat, Bargaon, Post & Tah Berla, Distt Bemetara, CG
7. Secretary, Gram Panchayat, Bargaon, Post & Tah Berla, Distt Bemetara, CG

---- Respondents

For Petitioners	:	Ms. Naushina Afrin Ali, Advocate
For Respondent	:	Shri B.G. Kumar, Dy. Advocate General

**HON'BLE THE, ACTING CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Order On Board

Per Navin Sinha, Acting Chief Justice

24/03/2015

1. This writ application was filed as far back as 3.5.2014. The question involved is extremely short with regard to applicability of reservation in a single post cadre. Despite repeated opportunities no counter affidavit has been filed. On 16.7.2014, it was observed that the only issue involved in the case was reservation on a single post. The matter was adjourned indicating that the case was to be disposed at the stage of admission, if possible. On 6.1.2015, it was made clear that no further adjournment shall be granted. Today again, the Learned Dy. Advocate General prays for time to seek instructions and file counter affidavit. Nearly one year is going to pass since the case was filed. We are not inclined to grant any further indulgence and decline the prayer for adjournment.

2. Learned Counsel for the Petitioners submits that the single post of Panchayat Sahayak-cum-Data Entry Operator under the 'Rajiv Gandhi Panchayat Empowerment Drive' in each Panchayat could not have been reserved for women candidate as it amounts to 100% reservation which is impermissible in the law.

3. Learned Counsel for the State is not in a position to dispute from the pleadings placed by the Petitioners that the post is a single cadre post. The law in this regard stands well settled commencing from (1988)2 SSC 214 (Dr. Chakradhar Paswan Vs. State of Bihar and others), (1993) Supp. 3 SCC

527 (Bhide Girls Education Society Vs. Education Officer, Zila Parishad, Nagpur and others), (1998) 4 SCC 1 (Post Graduate Institute of Medical Education & Research, Chandigarh Vs. Faculty Association and others), (2009) 1 SCC 1 (State of Karnataka and others Vs. K. Govindappa and another) and 2011 4 SCC 120 (State of Uttar Pradesh and others Vs. Bharat Singh and others).

4. The advertisement dated 1.3.2014 is therefore held to be bad as violative of Article 14 of the Constitution of India and is set aside.

5. The writ petition is allowed.

ACTING CHIEF JUSTICE

JUDGE