

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 492 of 2015

1. Preeti Gurjar D/o Shri Prasad Gurjar Aged About 22 years R/o Village Kharra P.S. & Tehsil Odgi Distt. Surajpur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary , Department Of Panchayat and Rural Development, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Chief Executive Officer Zila Panchayat Surajpur Distt. Surajpur (C.G.)
3. Chief Executive Officer Janpad Panchayat - Odgi District Surajpur (C.G.)
4. The Village Panchayat Masanki Through The Secretary Village Panchayat Masanki Tehsil Odgi Distt. - Surajpur (C.G.)
5. Smt. Geeta W/o Agar Sai Aged About 22 Years R/o Vill - Thargi P.S. & Tahsil Odgi Distt - Surajpur (C.G.)

---- Respondent

And

WPS No. 495 Of 2015

1. Prince Gurjar S/o Shiv Prasad Gurjar Aged About 19 years R/o Village Kharra P.S. & Tehsil - Odgi Distt - Surajpur (C.G.)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Chief Executive Officer Zila Panchayat Surajpur Distt. Surajpur (C.G.)
3. Chief Executive Officer Janpad Panchayat - Odgi District Surajpur (C.G.)

4. The Village Panchayat Masanki Through The Secretary Village Panchayat Kharra Tehsil Odgi Distt. - Surajpur (C.G.)
5. Rishiraj Gurjar S/o Bijendra Gurjar Aged About 22 Years R/o Vill - Asura P.S. & Tehsil - Odgi Distt - Surajpur (C.G.)

---- Respondent

For Petitioners	Shri A.N. Pandey, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate
For Private respondents	Shri R.S. Baghel & Shri S.R. Sinha, Advocates

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

07/05/2015

Heard learned counsel for the parties.

1. Petitioners have preferred these writ petitions seeking quashment of the appointment of the private respondents on the post of Data Entry Operator on the ground that in the selection process petitioners' candidature has wrongly been rejected.
2. Appointment on the post of Panchayat Assistant-cum-Data Entry Operator is governed under the scheme framed by the State Government.
3. In the opinion of this Court, non consideration or rejection of candidature of a candidate would also be a ground for challenging the recruitment process/appointment made on the subject post for which an alternative remedy is provided under the guidelines issued by the State Government wherein clause 15 provides for an appeal under the provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. Thus, the

petitioners have an efficacious alternative remedy to raise their grievances.

4. Accordingly, both the writ petitions are dismissed. However, liberty is granted in favour of the petitioners to avail the alternative remedy within a period of one month from today. If the petitioners prefer the appeal within the stipulated period, the appellate authority shall consider and decide the same, in accordance with law and on its own merits, as early as possible preferably within a period of three months from the date of submission of appeal by the petitioner.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the appellate authority shall decide the appeal, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

J u d g e

Gowri