

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 848 of 2015

- Smt. Lata Patel W/o Shri Laxmi Prasad Patel Aged About 27 years
Resident Of Village- Chiraipani (West), Tahsil And District- Raigarh
(C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural
Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Additional Commissioner, Bilaspur Division Bilaspur (C.G.)
3. The Collector, Raigarh, District Raigarh (C.G.)
4. The Chief Executive Officer, Janpad Panchayat, Raigarh, District-
Raigarh (C.G.)
5. The Gram Panchayat Sangeettarai, Through The Secretary, Tahsil And
District- Raigarh (C.G.)

---- Respondents

And

WPS No. 850 Of 2015

- Laxmi Prasad Patel S/o Shri Sitaram Patel Aged About 36 years
Resident Of Village- Chiraipani (West), Tahsil And District- Raigarh
(C.G.)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural
Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Additional Commissioner, Bilaspur Division Bilaspur (C.G.)
3. The Collector, Raigarh, District Raigarh (C.G.)
4. The Chief Executive Officer, Janpad Panchayat, Raigarh, District-

Raigarh (C.G.)

5. The Gram Panchayat Chiraipali, Through The Secretary, Tahsil And District - Raigarh (C.G.)

---- Respondents

For Petitioners : Shri K.K. Pandey, Advocate.

For Respondent/State : Shri S. Majid Ali, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/07/2015

1. The petitioners were appointed as Rojgar Sahayak of Gram Panchayats Sangitarai and Chiraipani respectively. By different orders passed by the Chief Executive Officer, Zila Panchayat, Raigarh, their services have been terminated on the ground that they are not taking interest in MGNREGA work and are also not attending weekly meeting for the last about 6 months.
2. The services of the petitioners have been put to an end after serving one month notice.
3. Admittedly, the petitioners were appointed on contract basis for a period of one year, which was later on extended for another year and the said extended term has come to end in February, 2015. The appeal and revision application preferred by the petitioners have also been dismissed by the Collector and Commissioner, respectively. Since the authorities have concurrently found that the petitioners were not performing duties satisfactorily and there is no material to indicate that the findings recorded by the authorities are perverse, this Court in exercise of powers under Article 226 of the Constitution of India cannot unsettle the findings in view of the law laid down by the Supreme Court

in **B.K. Muniraju Vs. State of Karnataka and others**¹ in para-22 which reads thus:-

“22. It is settled law that a writ of certiorari can only be issued in exercise of extraordinary jurisdiction which is different from appellate jurisdiction. The writ jurisdiction extends only to cases where orders are passed by inferior courts or tribunals or authorities in excess of their jurisdiction or as a result of their refusal to exercise jurisdiction vested in them or they act illegally or improperly in the exercise of their jurisdiction causing grave miscarriage of justice. In regard to a finding of fact recorded by an inferior tribunal or authority, a writ of certiorari can be issued only if in recording such a finding, the tribunal/authority has acted on evidence which is legally inadmissible, or has refused to admit an admissible evidence, or if the finding is not supported by any evidence at all, because in such cases the error amounts to an error of law. It is needless to mention that a pure error of fact, however grave, cannot be corrected by a writ.”

4. Since while terminating their services, it has not been observed that the petitioners would not be entitled to participate in the future recruitment, there is no impediment for the petitioners to participate in any future recruitment if the same is undertaken by the respondent authorities.
5. The writ petitions stand dismissed with the aforesaid observations.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve

¹(2008) 4 SCC 451