

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6821 of 2011

- Sarita Chauhan, W/o Shri Santosh Chauhan, aged about 28 years, R/o Village Kadari, District Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, through the Secretary, Woman & Child Development Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Additional Collector, Janjgir, District Janjgir-Champa (C.G.)
3. The Upper Commissioner Bilaspur Division, Bilaspur Cg
4. Chief Executive Officer Janpd Panchayat Bamhnidih Distt. Janjgir Champa Cg
5. Smt. Leela Bai W/o Dhaniram Sahu R/o Village Kadai Tah. Champa Distt. Janjgir Champa Cg
6. Pramila W/o Ramkumar R/o Village Kadai Tah. Champa Distt. Janjgir Champa Cg
7. Project Officer Integrated Child Development Scheme Bamhnidih Distt. Janjgir Champa Cg

---- Respondents

For Petitioner	Shri Bharat Rajput, Advocate
For Respondent/State	Shri S. Majid Ali, PL
For Respondent No.5	Shri D.K. Singh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

10/09/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.

2. The petitioner has called in question the order passed by the Additional Commissioner, Bilaspur Division on 30.09.2011, whereby the Additional Commissioner has set aside the appellate order passed by the Additional Collector, Janjgir-Champa on 04.09.2009 to set aside the appointment of respondent No.5, Smt. Leela Bai as Aaganbadi Worker of Aaganbadi Centre Kadari, Janpad Panchayat Bamhniidih.
3. The respondent No.5 was appointed by the Chief Executive Officer, Janpad Panchayat of Bamhniidih on 19.09.2008. The petitioner challenged the said appointment on allegation that the husband of the respondent No.5 was a Panch of the same Gram Panchayat; the respondent No.5 was wrongly granted marks for being a Scheduled Caste candidate, whereas she is an OBC candidate, the petitioner was not allowed any marks for belonging to Below Poverty Line Category etc. The appeal was allowed by the Additional Collector.
4. The respondent No.5 challenged the above order before the Additional Commissioner and argued that on the date of consideration of the matter by the concerned Gram Panchayat/Janpad Panchayat, her husband had already resigned from the Office of Panch of Gram Panchayat Kadari and that she was not afforded opportunity of hearing by the Additional Collector.
5. It is to be seen that the Additional Commissioner has not dealt with the issue as to whether on the relevant date the husband of the respondent No.5 was functioning as Panch of the Gram Panchayat. Similarly, there is dispute as to whether the respondent No.5 was duly noticed and heard by the Additional Collector, therefore, considering the entire facts situation of the case, this Court deems it appropriate to quash both the orders i.e. the order passed by the Additional Collector

as well as the Additional Commissioner and remit the matter back to the Additional Collector for decision afresh on merits.

6. Accordingly, the writ petition is allowed to the extent indicated above and the matter is remitted back to the Additional Collector, Janjgir-Champa for taking fresh decision in the matter after giving the opportunity of hearing to all the parties concern. Let both the parties submit certified copy of this order before the Additional Collector within 15 days from today and thereafter the Additional Collector shall decide the matter within an outer limit of 4 months.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala