

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4426 of 2014

- Rahul Kumar Jaiswal, S/o Shri Mulchand Jaiswal, aged about 21 years, R/o Grampanchayat Parsada, Tahsil Pali, PS Pali, District Korba (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Panchayat Department, Mahanadi Bhavan, Mantralaya, Raipur (CG)
2. Collector, Korba, District Korba (CG)
3. Chief Executive Officer, through Zila Panchayat Korba, District Korba (CG)
4. Chief Executive Officer, through Janpad Panchayat Pali, District Korba (CG)
5. Secretary Grampanch Parsada, Tahsil Pali, District Korba (CG)

---- Respondent

For Petitioner : Shri RK Jain, Advocate.
For Respondent/State : Shri S. Majid Ali, Panel Lawyer.
For Respondent No.5 : Shri VA Goverdhan, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/08/2015

1. The petitioner is aggrieved by the enquiry report (Annexure-P/1) submitted by the Assistant Internal Audit Examination and Taxation Officer, Janpad Panchayat, Pali whereby he has been declared ineligible for the post of Data Entry Operator cum Panchayat Assistant for which

Gram Panchayat Parsada, Tahsil Pali, District Korba had issued advertisement.

2. Admittedly, the selection process has not yet been finalized. In the return filed by respondent No.5, it has been stated that before taking any action on the basis of enquiry report, the petitioner would be provided opportunity of hearing. Even otherwise, an unsuccessful candidate or candidate declared ineligible for appointment on the post of Panchayat Assistant cum Data Entry Operator has the remedy of preferring an appeal under clause 15 of the Guidelines read with relevant provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.
3. For the foregoing, the writ petition is not maintainable. It is accordingly dismissed. However, as undertaken by respondent No.5, the petitioner be afforded opportunity of hearing before taking any action on the basis of enquiry report (Annexure-P/1). Let the recruitment process be completed within a period of 6 months from today.
4. In the event the decision is adverse to the petitioner, he may prefer an appeal under clause-15 of the Guidelines governing appointment of Panchayat Assistant cum Data Entry Operator.

Sd/-
Judge
(Prashant Kumar Mishra)