

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6022 of 2014

1. Kuber Sidar, S/o Balram Sidar Aged About 34 years
2. Heeradhar Patel S/o Sahdev Patel Aged About 31 Years

Both are R/o Vill Chhirrapali, PS Saraipali, Civil & Revenue Dist Mahasamund, Cg

---- Petitioner

Versus

1. The State Of Chhattisgarh, Through The Secretary, Panchayat & Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, New Raipur, Dist Raipur, Cg
2. Additional Commissioner Raipur, Cg
3. Collector Mahasamund, Cg
4. Chief Executive Officer, Janpad Panchayat, Saraipali, Dist Mahasamund, Cg
5. Project Officer, Integrated Child Development, Scheme, Saraipali, Dist Mahasamund, Cg
6. Santosyhi Deewan W/o Ganesh Deewan, Caste Panika Aged About 36 Years R/o Vill Chhirrapali, Ps Saraipali, Civil & Revenue Dist Mahasamund, Cg

---- Respondent

For Petitioner	Shri Raghvendra Pradhan, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/07/2015

Heard learned counsel for the parties.

1. Petitioner has assailed the legality and validity of the impugned order passed by the Additional Commissioner, Raipur Division allowing the appeal preferred by the respondent No.6 and setting aside the appointment of the petitioner on the post of Aanganbadi Worker of village Chhirrapali, District Mahasamund.
2. Learned counsel for the petitioner would submit that before the Additional Commissioner, Raipur Division, the order passed by the Zila Panchayat, Mahasamund, vide its resolution dated 25-9-2013 and the order of Chief Executive Officer, Janpad Panchayat, Saraipali, passed on 5-10-2013 were under challenge, even though the said order/resolution was appealable before the Collector, Mahasamund in terms of the provisions contained in Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 read with the provisions of the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995.
3. Learned counsel for the State would submit that under the relevant provisions of law appeal would lie before the Collector and not before the Commissioner.
4. In view of the aforesaid, since the impugned order has been passed by an authority, who had no jurisdiction over the matter, the same is set aside and the matter is remitted back to the

Collector, Mahasamund to decide the appeal preferred by the respondent in accordance with law after hearing all the parties concerned. The Additional Commissioner, Raipur, shall send the record to the Collector, Mahasamund.

5. Accordingly, the writ petition is disposed of. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri