

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 751 of 2015**

1. Gaukaran Chandrakar S/O Shri Toran Lal Chandrakar, Aged About 30 years R/O Village Amcho, Post & P.S. Dadhi, Tehsil Bemetara, District Bemetara (C.G.)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh, Through The Secretary Department Of Panchayat And Rural Development, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. The Collector District Bemetara (C.G.)
3. Chief Executive Officer Janpad Panchayat Bemetara, District Bemetara (C.G.)
4. Janpad Panchayat Bemetara Through The Chief Executive Officer, Janpad Panchayat Bemetara, District Bemetara (C.G.)

**---- Respondent**

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| For Petitioner       | Shri Jitendra Pali, Advocate       |
| For Respondent/State | Shri Y.S. Thakur, Dy. Adv. General |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**15/04/2015**

1. Petitioner is aggrieved by the order dated 19-6-2014 (Annexure – P/1) passed by the Chief Executive Officer, Janpad Panchayat, Bemetara, whereby the petitioner has been terminated from the post of Shiksha Karmi Grade – III.

2. Relying on the order passed by this Court in *Ramesh Kumar Thakur v. State of Chhattisgarh & Others*<sup>1</sup>, which, in turn, was passed relying upon the judgment of the Supreme Court rendered in *State of Madhya Pradesh and Others v. Sanjay Nagayach and Others*<sup>2</sup>, learned counsel for the petitioner would submit that the writ petition is maintainable before this Court, despite availability of alternative remedy.
3. It is trite that the writ Court can entertain a writ petition in its discretion directly without relegating the petitioner to exhaust the alternative remedy in cases where the order suffers from grave arbitrariness or without jurisdiction, however, admittedly, the impugned order is appealable and the petitioner is raising objection regarding improper exercise of power by the Chief Executive Officer on the ground that the matter has not been considered by the General Administration Committee of the concerned Janpad Panchayat.
4. In the opinion of this Court, the ground raised in the writ petition shall also be looked into by the appellate authority/Collector of the District, who is a senior and responsible officer.
5. Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner would be at liberty to prefer an appeal before the appellate authority within a period of 15 days from today and thereafter, the appellate authority shall decide the appeal as early as possible, by a reasoned order, preferably within a period of three months from the date of receipt of a copy of this order.

J U D G E

Gowri

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<sup>1</sup> WP (S) No.6329 of 2010 (decided on 7-2-2014)

<sup>2</sup> (2013) 7 SCC 25