

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3001 of 2016

Suresh Kumar Patel S/o Shri Ramu Patel, Aged About 45 Years R/o
Gram And Post Kamti, P.S. Kukdur, Tahsil Pandariya, District Kabirdham,
(Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat Department,
Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. Chief Executive Officer, District Panchayat Sahaspur, Lohara, District
Kabirdham, (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat Sahaspur, Lohara, District
Kabirdham, (Chhattisgarh)
4. Collector, District Kabirdham, (Chhattisgarh)
5. Block Education Officer, Sahaspur, Lohara, District Kabirdha,
(Chhattisgarh)

---- **Respondents**

For Petitioner	:	Mr. Suresh Kumar Verma, Advocate
For State	:	Mr. Gary Mukhopadhyay, Dy. G.A.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/07/2016

Heard.

1. This petition is directed against order dated 06.06.2016 by which the petitioner's appeal has been dismissed by the Collector.
2. Faced with an objection with regard to maintainability of the petition on the ground of existence of alternative remedy, learned counsel for the petitioner submits that in fact the order reflects that the Collector has invoked revisional jurisdiction and second revision would not lie, therefore, the petitioner has filed this petition.

3. The petitioner had earlier filed petition before this Court and the petition was dismissed as withdrawn vide order dated 08.04.2016 with liberty to prefer an appeal before the Appellate Authority.

4. Under the provision of Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995 against the order passed by the Chief Executive Officer, Janpad Panchayat, the appeal lies to the Collector. The petitioner preferred appeal also. The impugned order clearly records that the petitioner preferred an appeal. Notwithstanding use of word 'revision' at the end of the order, in substance the Collector has passed an order in exercise of appellate jurisdiction and not revisional jurisdiction because according to the statutory scheme of the Rules, where remedy of appeal is available, revision is not maintainable.

5. In that view of the matter, the order is in substance passed in exercise of appellate jurisdiction against which the petitioner has remedy of filing revision before the Commissioner/ Director Panchayat. If the petitioner prefers revision, the same shall be examined on its own merits treating the order of the Collector as passed in the appeal.

6. Certified copy of order dated 06.06.2016 (Annexure P/3) may be returned to him after retaining photocopy of the same.

7. With the said liberty, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge