

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.6186 OF 2006

ORDER:

Heard Mr.C.Buchi Reddy for petitioners and the Assistant Government Pleader for Panchayat Raj.

The petitioners challenge the selection of 7th and 8th respondents as Field Assistants of Vamkeswaram and Laxmapoor BK Gram Panchayats, Amrabad Mandal, Mahaboobnagar District, as illegal, arbitrary and unconstitutional.

Briefly stated the case of petitioners is that the appointment of 7th and 8th respondents as Field Assistants is contrary to A.P. Rural Employment Guarantee Scheme being implemented under the provisions of National Rural Employment Guarantee Act, 2005 and also the resolutions dated 28.02.2006 and 06.03.2006 respectively. According to petitioners, once the resolutions are adopted and approved by the Gram Sabha under the chairmanship of Sarpanch, the appointment of 7th and 8th respondents basing on resolution passed in the absence of Sarpanch is illegal and unsustainable.

Learned counsel for petitioners has substantially repeated the very same submissions in the course of his arguments. The Assistant Government Pleader, on the other hand, contends that the documents relied upon by petitioners *prima facie* are untenable, and according to respondent No.4, Gram Sabha was not conducted on 25.02.2006 for selection of candidates as Field

Assistants, but was conducted on 02.03.2006. He places strong reliance upon the stand taken in paragraph 3 of the counter affidavit.

The short point for consideration is whether the selection and appointment of 7th and 8th respondents as Field Assistants is vitiated for the grounds alleged by the petitioners?

It is not in dispute that the appointment as Field Assistant can be done only on the resolution passed by the Gram Sabha. It is not the case of petitioners that the resolution passed by Gram Sabha attaches importance only when it is presided by the Sarpanch of that village. Now two sets of resolutions are placed before the Court, one is in favour of 7th and 8th respondents and another is in favour of petitioners. After perusing the stand taken by 4th respondent in the counter affidavit and the surrounding circumstances about not convening the meeting on 25.02.2006, I am inclined to accept reply given by 4th respondent in the counter affidavit particularly in the absence of reply affidavit by petitioners or further material in this behalf. I do not see any reason to disbelieve the stand taken by 4th respondent. The writ petition fails and accordingly dismissed. No order as to costs.

S.V.BHATT, J

Date:22.09.2016

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