

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.3332 of 1999**

Gopal Singh, son of Chaitram, aged 29 years, Resident of High School Para (Bhadrapara), Lelunga, District Raigarh (MP) (Now CG)

-----Petitioner

Versus

1. Chief Executive Officer, Jila Panchayat Raigarh (MP) (Now CG)
2. Chief Executive Officer, Janpad Panchayat Lelunga, District Raigarh (MP) (Now CG)
3. Jagatram Satnami, Resident of village Bhadrapara, Tahsil Lelunga, Distt.Raigarh (MP) (Now CG)
4. Shri Sunderlal Bada, Resident of village Bhadrapara, Tahsil Lelunga, Distt.Raigarh (MP) (Now CG)
5. Shri Dinesh Bahra, Resident of village Bhadrapara, Tahsil Lelunga, Distt.Raigarh (MP) (Now CG)
6. Gram Panchayat Lelunga, District Raigarh, through its Sarpanch

----- Respondents

For Petitioner	:	Mr.A.K.Prasad, Advocate
For Respondent No.2	:	Mr.Akhilesh Kumar, Advocate
For Res.No.1, 3, 4, 5 & 6:	:	None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/08/2017

1. The post of Guruji was advertised by Janpad Panchayat, Lailunga under Shiksha Guarantee Scheme for Centre Bhadrapara. The petitioner's name was recommended and approved by appropriate committee on 25.1.1997. On 27.1.1997 the Chief Executive Officer, Janpad Panchayat, Lailunga sent the list of Guruji's including the name of the petitioner for training on the post of Guruji to the District Institute of Education & Training,

Dharamjaigarh, but the petitioner and other candidates failed to report within the stipulated time and when they did not report in time, they were sent back and were not admitted for training. Again on 14.2.1997 the Chief Executive Officer, Janpad Panchayat, Lailunga recommended the names for training on the post of Guruji including the name of respondent No.5 at Centre Bhadrapara, however, omitted the name of the petitioner and ultimately respondent No.5 was appointed on the post of Guruji (now post of Guruji was converted into Assistant Grade-III) and he is continuing on the said post. In the meanwhile, on 14.12.1998 Standing Committee of Gram Panchayat, Lailunga passed a resolution for cancellation of appointment of respondent No.5. That resolution was challenged by respondent No.4 Jagatram Satnami and respondent No.5 Sunderlal Bada before respondent No.1/Chief Executive Officer, Zila Panchayat, Raigarh and by the impugned order, respondent No.1/Chief Executive Officer, Zila Panchayat, Raigarh allowed the appeal filed by respondents No.3 and 4 and held that respondent No.5 is entitled to hold the post of Guruji, against which, this writ petition has been filed by the petitioner calling in question order dated 15.3.1999 (Annexure P/11) passed by respondent No.1.

2. Mr.A.K.Prasad, learned counsel appearing for the petitioner, would submit that appointment of the petitioner on the post of Guruji was never cancelled by any of the authority, on the other hand, Standing Committee of Gram Panchayat, Lailunga passed a resolution for cancellation of appointment of respondent No.5, but

respondent No1/Chief Executive Officer, Zila Panchayat, Lailunga who was not having any jurisdiction and without any authority of law passed the impugned order. He would further submit that appeal at the instance of respondents No.3 and 4 was not maintainable. The petitioner's appointment was never cancelled and respondent No.5 was never appointed on the post of Guruji.

3. On the other hand, Mr.Akhilesh Kumar, learned counsel appearing for respondent No.2, would support the impugned order.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. It is not in dispute that the petitioner was appointed on the post of Guruji and his name was sent for training on 27.1.1997, but he could not reach right in time and his name was omitted to be sent when repeat names were sent on 14.2.1997. The fact remains that the petitioner's appointment on the post of Guruji has never been cancelled by any of the competent authority. Respondents No.3 and 4 had no locus to challenge the order of Janpad Panchayat, Lailunga dated 14.12.1998 as they were not aggrieved parties. Apart from this, respondent No.1/Chief Executive Officer, Zila Panchayat was wholly unjustified in holding that respondent No.5 would work on the post of Guruji as the petitioner was duly appointed on the post of Guruji.
6. For the foregoing reasons, the writ petition is allowed and the

impugned order dated 15.3.1999 (Annexure P/11) passed by respondent No.1 is hereby quashed. No order as to cost(s).

Sd/-
(Sanjay K.Agrawal)
Judge

B/-