

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.3183 of 2009

Smt. Saroj, W/o Kamalnarayan Sahu, aged about 32 years, R/o
Village Karanjiya, Bhansuli, Tahsil Bemetara, District Durg (C.G.)
(Revisioner)
---- Petitioner

Versus

1. Smt. Savita, W/o Bisahu Sahu, aged about not known, R/o Village Karanjiya, Bhansuli, Tahsil Bemetara, District Durg (C.G.)
2. Smt. Annapurna, W/o Hirendra Kumar Sahu, aged about not known, R/o Village Karanjiya, Bhansuli, Tahsil Bemetara, District Durg (C.G.)
3. Smt. Rajeshwari, W/o Sukhnandan Sahu, aged about not known, R/o Village Karanjiya, Bhansuli, Tahsil Bemetara, District Durg (C.G.)
4. Ku. Yashoda, D/o Naresh Gond, aged about not known, R/o Village Karanjiya, Tahsil Bemetara, District Durg (C.G.)
5. The Chief Executive Officer, Janpad Panchayat Bemetara, District Durg (C.G.)
6. Project Officer, Unified Child Development Service, Bemetara, District Durg (C.G.)

(Defendants)
---- Respondents

For Petitioner: Mr. P.P. Sahu, Advocate.
For Respondents No.4 and 6: -
Mr. Viprasen Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/08/2017

1. Application for appointment of Aanganbadi Karyakarta of Aanganbadi Centre at Village Karanjiya, was called by Village Panchayat Karanjiya, Janpad Panchayat Bemetara, for which the petitioner and the private respondents applied. The petitioner was

appointed and order dated 27-2-2007 was issued by the Chief Executive Officer, Janpad Panchayat Bemetara in favour of the petitioner against which respondent No.1 Smt. Savita preferred appeal before the Additional Collector and the Additional Collector, Bemetara set aside the order passed in favour of the petitioner and remanded the matter to the Chief Executive Officer, Janpad Panchayat Bemetara for fresh consideration holding that respondent No.4 is entitled and should be given preference. The petitioner preferred revision and that was also dismissed against which this writ petition has been preferred.

2. Mr. P.P. Sahu, learned counsel for the petitioner, submits that respondent No.4 did not prefer appeal and she has been held to be eligible by the learned Additional Collector which is unsustainable and bad in law and she is not eligible because her name is not included in the voter list of the Gram Panchayat for consideration on the date of issuance of advertisement.
3. On the other hand, learned counsel for respondents No.4 and 6 would oppose the above argument and would support the impugned order.
4. I have heard learned counsel for the parties and also perused the impugned order and other material available on record with utmost circumspection.
5. The fact remains that the Additional Collector has remanded the matter to the Chief Executive Officer, Janpad Panchayat Bemetara for fresh consideration, but at the same time, learned Additional Collector has committed illegality in holding that respondent No.4

fulfills the eligibility criteria of the State Government circular. That part of the order is, however, set aside and the matter is remitted to the Chief Executive Officer, Janpad Panchayat Bemetara who shall consider the eligibility of the candidates including the petitioner on the date of issuance of advertisement in terms of circular dated 6-1-2000, strictly in accordance with law within a period of one month from the date of receipt/production of a certified copy of this order.

6. With the aforesaid observation, the writ petition stands finally disposed of. Parties shall bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge