

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.1441 of 2009

Smt. Sunita Bai, W/o Shri Sohan Lal, aged about 27 years, R/o Village Khapari, Tahsil Gunderdehi, District Durg (CG).

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of Panchayat and Rural Development, DKS Bhawan, Raipur (CG).
2. The Director, Panchayat, Chhattisgarh, Raipur.
3. Collector, Durg, District Durg (CG).
4. Chief Executive Officer, Janpad Panchayat, Gunderdehi, District Durg (CG).
5. Project Officer, Project Office, Child and Woman Development Welfare Department, Gunderdehi, District Durg (CG).
6. Sarpanch, Gram Panchayat, Khapari, District Durg (CG).
7. Secretary, Gram Panchayat, Khapari, District Durg (CG).
8. Smt. Parvati Bai, W/o Shri Uttara Kumar, village Khapari, Tahsil Gunderdehi, District Durg (CG).

--- Respondents

For Petitioner : Mr. Goutam Khetrapal, Advocate
For State : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

28/08/2017

(1) Learned counsel appearing for the petitioner would submit that the Gram Panchayat, Khapari, Tahsil Gunderdehi had published advertisement for appointment on the post of Angan Badi Karyakarta for which, the petitioner and respondent No.8 herein have submitted their application on the said post and thereafter, on 27.09.2006 the

Janpad Panchayat Gunderdehi has selected the name of the petitioner and rejected the name of the respondent No.8 on the ground that her father is a employee in the Bhilai Steel Plant. On 17.02.2017 the Chief Executive Officer, Janpad Panchayat Panchayat, Gunderdehi, District Durg has appointed the respondent No.8 on the said post against which, the petitioner filed an appeal before the Collector, Durg. The said appeal was rejected by the Collector. Against the order of Collector, she preferred a revision before the Director, Panchayat, Raipur. That revision was also dismissed. He would further submitted that all the three authorities i.e. Director, Panchayat, Raipur, Collector, Durg and Chief Executive Officer, Durg have committed illegality in appointing the respondent No.8 on the post of Angan Badi Karyakarta.

(2) Learned counsel appearing for the State would support the orders passed by all the authorities and oppose the prayer made by the learned counsel for the petitioner.

(3) I have heard learned counsel for the parties, considered their rival submission made hereinabove and also gone through the record with utmost circumspection.

(4) What is required is that the candidate should not be relative of any government servant or any post holder of Panchayati Raj Institution or the local body and that is disqualification for the appointment. The father of respondent No.8 was admittedly an employee of Bhilai Steel Plant. Even if, the father of respondent No.8 is employee of Bhilai Steel Plant that cannot be a disqualification as employee of the Bhilai Steel Plant is neither the government servant nor can be said to have holding

the post under local body. Bhilai Steel Plant comes under the Steel Authority of India, which is a Government Company under the Government of India therefore, Collector, Durg and Director are justified in affirming the order of Chief Executive Officer, Janpad Panchayat, Gunderdehi in which I do not find any illegality or perversity.

(5) Consequently, the writ petition deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-