

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2608 of 2017**

- Smt. Usha Bai W/o. Hileshwar, Aged About 23 Years, Caste Lodhi, R/o Gram Pidha, Gram Panchayat Bhareva, Janpad Panchayat Pathriya, Tahsil Pathriya, District Mungeli (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Social Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
2. Additional Commissioner Bilaspur (Chhattisgarh)
3. The Additional Collector, Bilaspur (Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat Pathriya, District Mungeli Chhattisgarh.
5. Smt. Vidya Sahu, W/o Bharatlal Sahu, R/o Gram Pidha, Gram Panchayat Bhareva, Janpad Panchayat Pathriya, Tahsil Pathriya, District Mungeli (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Ajay Dwivedi, Advocate
For Respondent/State	Mr. Adhiraj Surana, Dy. GA
For Respondent No.5	Mr. Ratnesh Kumar Agarwal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/11/2017**

1. Heard.
2. The petitioner has been appointed as Aanganbadi Worker of Gram Panchayat, Bhareva, Janpad Panchayat, Pathariya, District

Mungeli (CG). The petitioner's appointment is questioned by respondent No.5 on the ground that on the cut off date, the petitioner was not a member of the Below Poverty Line (BPL), as her husband was working as Rozgar Sahayak, therefore, 06 marks allotted to her as weightage for being a member of the BPL family was wrongly allotted, in the absence of which, respondent No.5 would be more meritorious and deserves appointment.

3. After hearing learned counsel for the parties and on perusal of the documents, it would appear, when respondent No.5 submitted the appeal before the Collector, this aspect of the matter concerning the candidature of the petitioner was not specifically raised. Therefore, the petitioner had no opportunity to contest the said assertion of respondent No.5.
4. True it is that during pendency of the revision application before the Additional Commissioner, respondent No.5 has raised the point and has also substantiated the same by producing the relevant documents, but since there was no enquiry on this aspect, when the matter was initially raised before the Collector, ends of justice would be served if the parties are directed to appear before the concerned Collector and raise their respective pleas duly supported with documents. The Collector shall thereafter summon the report from the concerned Janpad Panchayat and take a decision in the matter on its own merits.
5. Any of the parties aggrieved with the order passed by the

Collector would be at liberty to straightway approach this Court by way of filing fresh writ petition.

6. Let both the parties appear before the concerned Collector **on 11th of December 2017**. The Collector shall thereafter complete the process of enquiry and pass final order within an outer limit of 2 months from 11th of December 2017.
7. Till the fresh order is passed by the Collector, the interim passed earlier in favour of the petitioner shall continue.
8. The writ petition is accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna