

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (S) No. 4595 of 2007**

Smt. Nandani Nag W/o Shri Sudhir Nag, aged about 31 years,
resident of Village Kodapali, Tahsil Saraipali, District
Mahasamund (CG)

---- Petitioner**Versus**

1. The State of Chhattisgarh through the Secretary,
Panchayat and Social Welfare Department, Mantralay,
D.K.S. Bhawan, Raipur (CG)
2. The Additional Collector, Mahasamund, District
Mahasamund (CG)
3. Smt. Sarojani D/o Shri Samual, resident of Village Kodapali,
Gram Panchayat Maldamal, Block and Tahsil Saraipali, Dist-
trict Mahasamund (CG)
4. Chief Executive Officer, Janpad Panchayat Basna, District
Mahasamund (CG)
5. Smt. Rajkumari w/o Raghunath, R/o Village Kodapali, Tahsil
Saraipali, Distt. Mahasamund (CG)

---- Respondents

For Petitioner	:	Mrs. Renu Kochar, Advocate
For Respondents No.1 & 2	:	Ms Ashtha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/02/2017**

1. Heard.
2. Smt.Rajkumari W/o Raghunath was appointed as Aganwadi
Worker for Anganwadi Centre-Kodapali. Against which,
present petitioner-Smt. Nandani Nag and one Reena Bai
preferred an appeal before the Additional Collector. The

Additional Collector by its order dated 23.4.2007 allowed the appeal and directed appointment of respondent No.3/Smt. Sarojani as Aganwadi Worker. Feeling aggrieved against the said order, the present writ petition has been filed by petitioner-Smt. Nandani Nag.

3. Mrs.Renu Kochar, learned counsel appearing for the petitioner, would submit that the petitioner's appeal was not considered on merits by the appellate authority and even though respondent No.3-Smt. Sarojani had not preferred any appeal, but the Additional Collector has directed that she be appointed on the post of Aganwadi Worker, therefore, the order impugned deserves to be set aside.
4. No one has appeared on behalf of respondent No.3, 4, 5 despite service of notice.
5. The fact remains that the Additional Collector has noted the submission of the petitioner, but has not considered as to why she is not eligible for the said post and secondly the course was open to the Additional Collector either to dismiss or to allow the appeal of the petitioner. The Additional Collector has directed appointment of respondent No.3, who has not preferred any appeal before the Additional Collector and as such, the Additional Collector ought to have considered the appeal of the

petitioner on merits as to whether she is eligible for the post of Aganwadi Worker which has not been considered. In the entire discussion, the Additional Collector is only considered the case of respondent No.5-Smt. Rajkumari and respondent No.3-Smt. Sarojani and has not considered the case of the petitioner.

6. Accordingly, the order impugned is set aside. The matter is remitted to the Additional Collector, Mahasamund for hearing and disposal of the appeal in accordance with law. The petitioner is directed to appear before the Additional Collector on **27.2.2017**. The Additional Collector shall notice to the other parties and dispose of the appeal within a period of three months from 27.2.2017.
7. The writ petition is allowed to the extent indicated heereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-