

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 92 of 2017

- Smt. Santoshi Verma, W/o Malikram Verma, Aged About 35 Years, R/o Village Singhanpur Gram Panchayat Singhanpur 'A' Tahsil Sarangarh, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Office Of Women & Child Welfare Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. District Program Officer, Office Of Women & Child Welfare Development, District Raigarh, (Chhattisgarh)
3. Collector, Raigarh (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Sarangarh, District Raigarh, (Chhattisgarh)
5. Sarpanch, Singhanpur Gram Panchayat Singhanpur, Tahsil Sarangarh, Distt. Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	Shri Vivek Verma, Advocate
For Respondent-State	Shri Satish Gupta, GA
For Respondent No.4	Shri Sushobhit Singh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

03/04/2017

1. Petitioner is aggrieved by the selection process initiated by the Project Officer, Women and Child Development Project,

Kosir, District Raigarh for appointment of Aaganbadi Worker for Gram Panchayat Singhanpur II, Tahsil Sarangarh, District Raigarh.

2. Shri Satish Gupta, learned State counsel would submit that the petitioner has alternative remedy of preferring an appeal before the SDO (Revenue) in terms of the provisions contained in Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'Adhiniyam, 1993') read with Rule 3 of the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995 as provided under Clause 11 of the Guidelines. At this stage, learned counsel for the petitioner would submit that Clause 11 would be attracted where appointment has been made, which is not the case here, therefore, the appellate remedy is not available to the petitioner.
3. A careful reading of the provisions contained in Clause 11 would manifest that an appeal would lie under the Adhiniyam, 1993 against the selection made by the Gram Panchayat or Janpad Panchayat. At this stage, I am not concerned with the merits of the challenge as to whether proper procedure prescribed under the Guidelines has been followed or not. Once an appellate remedy is provided even at the stage of initiation of the recruitment process culminating into preparation of select list, Clause 11 would come into play and any person aggrieved by any illegality in the selection process can also file an appeal under Clause

11.

4. For the foregoing, the writ petition is disposed of with liberty to the petitioner to move a duly constituted appeal before the Appellate Authority i.e. SDO (Revenue) within a period of 30 days from today. On such appeal being preferred, the Appellate Authority shall decide the appeal after affording proper opportunity of hearing to all the parties concerned, at the earliest, preferably within a period of 6 months from the date of submission of appeal.
5. Till the pendency of appeal, the interim order passed by this Court on 10.01.2017 shall remain in operation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala