

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3617 of 2008**

Ram Kumar Patel, S/o. Shri Loknath Patel, Aged about 37 years, R/o. Village Dhanigaon, Tahsil Baramkela, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Panchayat and Social Welfare, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. The Additional Collector, Raigarh, District Raigarh, Chhattisgarh
3. Deputy Director, Panchayat & Social Welfare, Raigarh, District Raigarh Chhattisgarh
4. Sub-Divisional Officer, Sarangarh, District Raigarh Chhattisgarh
5. Gram Panchayat, Dhanigaon, Through the Secretary, Block Baramkela, District Raigarh, Chhattisgarh
6. Bharat Lal Patel, Sarpanch, Gram Panchayat, Dhanigaon, Block Baramkela, District Raigarh, Chhattisgarh
7. Toshram Patel, S/o. Shri Ravishankar Patel, Aged about 27 years, R/o. Village Dhanigaon, Block Baramkela, District Raigarh, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Prateek Sharma, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer
For Respondent No.7	:	Mr. Manoj Dubey, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

31/07/2018

1. The challenge in the present writ petition was to the resolution of the Gram Panchayat dated 13.05.2008 passing a resolution in favour of the respondent No.7 to be selected as a Panchayat Karmi (Panchayat Secretary).
2. The substantial ground of challenge in the present writ petition was quoting 6(A), 6(B) & 6(C) of the Panchayat Raj Adhiniyam, 1993. During the course of hearing, it was revealed that these amended provisions under the Panchayat Raj Adhiniyam was in respect of the amendment

which was brought to the Act by the State of Madhya Pradesh and the said amendment is not there in the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

3. Given the fact that the said ground raised by the petitioner is not available to the petitioner for the reason that there being no such amendment in the Chhattisgarh Panchayat Raj Adhiniyam, this Court finds it difficult to entertain this petition at this juncture on that ground.
4. However, since the admitted fact is that against the impugned resolution petitioner had already preferred appeal before the Sub-Divisional Officer, Sarangarh, which till date has not been decided.
5. Reserving the liberty of the petitioner to pursue the appeal, which he has filed, if it has not been decided till date, to be decided at the earliest, the writ petition at this juncture stands disposed off.

Sd/-
(P. Sam Koshy)
Judge