

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4518 of 2009**

Smt. Rajkumari W/o Ashwani Patel, aged about 30 years, R/o village Swarooppur, Rangmatiya, Tah Basana, District Mahasamund, (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Social Welfare, DKS Bhawan Raipur, C.G.
2. The Director, Panchayat, Raipur, District Raipur (CG)
3. Additional Collector, Mahasamund, District Mahasamund (CG)
4. Chief Executive Officer, Janpad Panchayat Basna, District Mahasamund (CG)
5. Project Officer, Woman and Child Welfare Project, Basna, District Mahasamund (CG)
6. Women & Child Development Officer, Janpad Panchayat Basna, Block Basna, District Mahasamund (CG)
7. Ku. Mithila D/o Syam Sundar, Caste Sanwra, R/o Swarooppur, Tah & Block Basna, District Mahasamund (CG)

---- Respondents

For Petitioner	:	Shri Raghvendra Pradhan, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer
For Respondent no.4	:	Shri Pawan Shrivastava, Advocate
For Respondent no.7	:	Shri Rakesh Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.05.2018**

Challenge in the present writ petition is to the order dated 22.09.2008 passed by the Director Panchayat, Raipur so also the order dated 30.04.2007 passed by the Additional Collector in respect of the appointment of the petitioner as Angan Badi worker at village Swarooppur, Tahsil –

Basna, District Mahasamund (CG)

2. Case of the petitioner is that she was appointed as Agan Badi worker vide Annexure P-4 dated 13.11.2006. Subsequent to her appointment, respondent no.7 is said to have moved an objection before the Additional Collector challenging the appointment of the petitioner on the basis that she was more meritorious and she too belonged to Scheduled Tribe category, therefore, she should have been given preference over and above the petitioner. The Additional Collector vide Annexure P-2 dated 30.04.2007 allowed the objection raised by respondent no.7 and quashed the order of appointment of the petitioner. The order of the Additional Collector dated 30.04.2007 was subsequently challenged by way of a revision before the Director Panchayat. The Director Panchayat also vide order dated 22.09.2008 Annexure P-1 affirmed the order of the Additional Collector holding that respondent no.7 ought to have been considered in place of the petitioner. Respondent no.7 in the instant writ petition has now filed her return wherein she has categorically accepted the fact that she does not belong to Scheduled Tribe category.

3. If that be so, the whole issue stands redressed for the reason that the petitioner undoubtedly and undisputedly is a candidate belonging to Scheduled Tribe category and the category to which respondent no.7 belongs is not one which is notified under the Scheduled Tribe category.

4. Given the circumstances, the order of appointment given to the petitioner cannot be found fault with. Thus, the order of Additional Collector Annexure P-2 dated 30.04.2007 as well as the Revisional Authority i.e. the Director Panchayat Annexure P-1 dated 22.09.2008 would not be sustainable and the same deserve to be and are accordingly

quashed consequences to follow.

5. The writ petition accordingly stands allowed.

**Sd/-
P. Sam Koshy
Judge**

Bhola