

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS NO.5943 of 2006**

Shaship Kumar Banjare, aged about 25 years, S/o Gajanand Banjare, R/o Village Gram Panchayat Arjuni, Tahsil Janjgir, Distt. Janjgir Champa (CG)

-----Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Panchayat and Rural Department, D.K.S.Bhawan, Raipur
 2. The Additional Collector, Janjgir Champa
 3. Gram Panchayat, through Sarpanch Gram Panchayat Arjuni (Devnarayan Maravi), Distt. Janjgir Champa
 4. Chief Executive Officer, Janpad Panchayat, Akaltara, Distt. Janjgir Champa
 5. Rajkumari aged about 35 years W/o Hemlal by Caste Satnami
 6. Kera Bai aged about 43 years, W/o Ghanshyam Satnami
 7. Anita Satnami, aged about 28 years, W/o Shalesh Kumar Satnami
 8. Saraswati Satnami, aged about 25 years, W/o Ashwani Kumar Satnami
- All 5 to 8 R/o Village Arjuni, Tahsil Janjgir, Distt. Janjgir Champa
9. Sub Divisional Officer (R), Janjgir

----- Respondents

For Petitioner	:	Mr.Parag Kotecha, Advocate
For Res.No.1, 2 and 9	:	Mr.Avinash Singh, P.L.
For Respondent No.3	:	Mr.Ravindra Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

20/07/2018

1. Learned counsel for the petitioner would submit that the petitioner was selected on the post of Panchayat Karmi in a duly convened meeting and after approval of Gram Sabha appointment order has been issued in his favour. Thereafter complaint was made by respondents No.5 to 8 to the Sub Divisional Officer (R), Janjgir. On 12.7.2006 the the Sub-Divisional Officer rejected the complaint filed by respondents No.5 to 8 and thereafter the petitioner was declared as Panchayat Secretary. However, in an appeal preferred by respondents No.5 to 8 before the

Additional Collector, Janjgir-Champa, the Additional Collector Janjgir-Champa allowed the appeal on the ground of not giving requisite 7 days notice before convening meeting for selection of Panchayat Karmi, which is liable to be set aside.

2. Learned counsel for respondent No.3 would submit that in the meeting so held for selection of Panchayat Karmi, except Tibu Lal respondents No.5 to 8 were present and they have never objected holding of meeting and selection of the petitioner on the post of Panchayat Karmi.
3. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
4. It is not in dispute that respondents No.5 to 8 participated in the meeting of the Gram Panchayat convened for selection of Panchayat Karmi and Gram Panchayat selected the petitioner on the post of Panchayat Karmi. It is well settled that persons having participated in the meeting cannot subsequently challenge the proceeding of the said meeting on the ground that meeting was not properly convened. Even otherwise, no prejudice has shown to have been caused if meeting was not convened giving 7 days notice. Even otherwise, respondents No.5 to 8 are not aggrieved persons and they never applied for the post of Panchayat Karmi.
5. For the foregoing reasons, the writ petition is allowed and the impugned order dated 27.10.2006 (Annexure P/5) passed by the Additional Collector, Janjgir-Champa is hereby set aside. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge