

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 68 of 2018

- Smt. Kunti Bai D/o Shri Bali Ram Aged About 25 Years R/o Gram Than Khamhariya Tahsil Khamhariya District Bemetara Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Welfare Department Mantralaya Mahanadi Bhawan New Mantralaya Raipur Chhattisgarh.
2. Commissioner, Division Durg, District Durg Chhattisgarh.
3. Collector, Bemetara District Bemetara Chhattisgarh.
4. Sub Divisional Officer Saja District Bemetara Chhattisgarh.
5. Chief Municipal Officer, Nagar Panchayat Than Khamhariya District Bemetara Chhattisgarh.
6. District Programme Officer, Women And Child Welfare Department Division Saja District Bemetara Chhattisgarh.
7. President, President In Council, Nagar Panchayat Than Khamariya District Bemetara Chhattisgarh.
8. Smt. Sarita @ Sarita Dewangan, W/o Shri Narendra Dewangan Aged About 27 Years R/o Gram Khamhariya Police Station Than Khamhariya District Bemetara Chhattisgarh.

---- Respondent

For Appellant
For State

Shri K.K. Dewangan, Advocate.
Shri Yashwant Singh Thakur, Additional A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

by Hon'ble Shri Prashant Kumar Mishra J.

09/03/2018

I.A.No.2

1. This is an application for condonation of delay of 102 days in filing the appeal.
2. On due consideration, the delay in filing the appeal is condoned.

Heard learned counsel for the appellant on admission.

1. The matter pertains to appointment of Aganbadi Worker.

The writ petitioner Smt Sarita @ Sarita Dewangan was appointed as Aganbadi Worker by giving benefit of the BPL certificate, however, the Commissioner set aside her appointment on the ground that the certificate was issued after the last date of submission of application form i.e. 27.10.2010, therefore, it was wrongly considered by the appointing authority.

2. By the impugned interim order, the learned Single Judge has directed that the same shall not be given effect to against the petitioner.
3. It is argued that on the date when the interim order was passed on 11.08.2017, the appellant was holding the charge of Office of Aganbadi Worker. However, after the

interim order, the charge has been given back to respondent Smt. Sarita @ Sarita Dewangan.

4. Be that as it may, the learned Single Bench has passed a reasoned interim order in favour of the writ petitioner.

In the matter of **Ajay Gupta vs State of Chhattisgarh and Others** (WA No.255 of 2016), the Full Bench of this Court held that Intra-Court appeal is maintainable only against such interim order which is in the nature of final order and adversely affects the right of the person who has preferred Intra-Court appeal. In the present case, the impugned order is purely interim in nature. It is not in the nature of any final relief or in the nature of any such relief which cannot be reverted back to its earlier position, if the writ petition is eventually dismissed.

5. We see no reason to interfere with the interim order, the writ appeal deserves to be and is hereby dismissed at the admission stage itself.

Sd/-

Sd/-

Judge

Judge

Prashant Kumar Mishra

Ram Prasanna Sharma