

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6109 of 2008**

Smt. Savita Bai W/o Shri Kumar Das, aged about 26 years, R/o Mohbhatta, Tahsil Berla, District Durg (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Panchayat & Rural Department, DKS Bhawan, Mantralaya, Raipur, C.G.
2. The Director Panchayat, State of Chhattisgarh, Raipur, C.G.
3. The Collector, Durg, District Durg (CG)
4. The District Programme Officer, Woman & Child Development Department Durg, District Durg (CG)
5. Project Officer, Woman & Child Development Project Office Berla, District Durg (CG)
6. Smt. Pushpa Sinha W/o Dashrath Sinha, R/o Mohbhatta, Tahsil Berla, District Durg (CG)

---- Respondents

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate
For Respondent no.6	:	Smt. Indira Tripathi, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.05.2018**

The challenge in the present writ petition is to the order dated 30.09.2008 passed by the Director Panchayat in a revision preferred by the petitioner. Vide the impugned order, the revisional Authority i.e. the Director Panchayat has affirmed the order passed by the Project Officer, Women & Child Development Project Office Berla, District Durg.

2. Facts of the case in brief are that the petitioner was appointed as

Anganbadi worker vide order dated 30.12.2006 Annexure P-3 and by virtue of the said order, she gave her joining on 10.01.2007. Immediately on the petitioner being appointed, respondent no.6 filed an objection before the Project Officer challenging the appointment of the petitioner. Contention of respondent no.6 was that the petitioner was not eligible for being appointed on account of the fact that the petitioner's name did not appear in the voter list neither the petitioner falls within the category of below poverty line. On due verification of the complaint and the contention raised by the objector, the Project Officer vide Annexure P-5 dated 28.03.2007 cancelled the appointment of the petitioner invoking Clause 5 of the order of appointment. The cancellation of appointment of the petitioner was challenged by way of a revision before the Director Panchayat under Section 91 of Chhattisgarh Panchayat Raj Adhiniyam. The Director Panchayat in turn vide impugned order Annexure P-1 rejected the revision of the petitioner upholding the decision of the Project Officer and holding that the petitioner has not been able to establish the fact that she was either below poverty line or her name appeared in the voter list.

3. Contention of the counsel for the petitioner is that the petitioner had produced sufficient evidence/proof before the competent authorities i.e. Annexure P-2 so far as the voter list is concerned and Annexure P-6 is a ration card which would established the fact that she was below poverty line but the authorities concerned have not properly appreciated the evidence. It was also contended that the authorities concerned, before issuance of the impugned order Annexure P-1 have not granted any opportunity of hearing to the petitioner nor was an explanation called from the petitioner so as to defend her case. Thus, the order of cancellation of appointment suffers

from principle of natural justice and prayed for the same to be set aside/quashed.

4. Counsel appearing for the respondents opposing the petition submits that even in the present writ petition also the documents which have been filed to establish the fact that the petitioner did fall below the poverty line on the date of appointment or the fact that her name did appear in the voter list at the time of selection, do not establish or strengthen the case of the petitioner. Thus, prayed for the rejection of the petition.

5. Having heard the contentions put forth on either side and on perusal of the record it reveals that the documents showing the petitioner to be below poverty line were not duly signed or authenticated documents produced before the Authorities. So far as the voter list is concerned, there was a great amount of discrepancy regarding the name of the petitioner as is reflected from the voter list. The husband's name so also the father's name of the petitioner are also not matching with what has been claimed by the petitioner. Further more, the age of the petitioner as it stood on the date of filing of the petition i.e. in the year 2008 also does not match with the age of the petitioner reflected in the voter list which was prepared in the year 2005-06.

6. For all the aforesaid reasons, this Court is of the opinion that the finding arrived at by the Director Panchayat in affirming the order passed by the project Officer cannot be found fault with. The petitioner in the instant writ petition also has not been able to convincingly establish her case before this Court so as to prove that she was a candidate below poverty line at the time of appointment as also her name did appear in the voter list prior to the appointment order was passed.

7. Given the aforesaid fact, this Court does not find any illegality or error committed by the two authorities while cancelling the order of appointment of the petitioner and granting the appointment to respondent no.6 whose name appeared at serial no.2 below the petitioner's name in the selection list.

8. The writ petition being devoid of merit deserves to be and is accordingly dismissed.

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