

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1750 OF 2008**

Smt. Janki Sonkar W/o. Shri Sahukar Sonkar, aged about 24 years,
R/o. Village Raweli, Block Abhanpur, District. Raipur C.G.

...**Petitioner(s)**

Versus

1. State of Chhattisgarh through the Secretary, Department of Panchayat, DKS Bhawan, Mantralaya, Raipur (CG).
2. The Director Department Of Panchayat Raipur C.G
3. Additional Collector Raipur, C.G.
4. Janpad Panchayat Abhanpur, District. Raipur, C.G, Through Its Chief Executive Officer.
4. Gram Panchayat Raweli Through Sarpanch, Block Abhanpur, District. Raipur, C.G.
5. Smt. Shashi Sahu Wd/o. Late Satish Sahu, R/o. Village Raweli, Block Abhanpur, District. Raipur C.G.

... **Respondent(s)**

For Petitioner	:	Shri KK Dewangan, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, P.L.
For Respondent No.6	:	Shri B.L. Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.05.2018.

1. Challenge in the present writ petition is the order dated 22.01.2008 (Annexure P/1) whereby the revision preferred by the respondent No.6 against the order of Additional Collector, Raipur, dated 24.04.2007 has been set aside and the revision has been allowed.
2. The facts of the case is that recruitment process for filling up the post of Angan Badi Worker at Gram Panchayat Raweli was instituted wherein the present petitioner as well as respondent No.6 both had participated and initially an order of appointment was issued in favour of the petitioner on 02.09.2006. The respondent No.6 immediately preferred an appeal before the Additional Collector challenging appointment of the petitioner on the ground that she was

more meritorious in all respects and therefore her candidature ought to have been considered. However, the Additional Collector, rejected the appeal on 24.04.2007 on the ground that the respondent No.6 has failed to produce authentic document of her 8th standard mark sheet as the mark sheet which was produced by her was one which did not have seal and signature of any competent authority.

3. The order of Additional Collector dated 24.04.2007 was subjected to challenge in a revision before the Director, Panchayat, who in turn, vide order impugned dated 22.01.2008 has allowed the revision and set aside the appointment order of the petitioner and have ordered for grant of appointment to the respondent No.6. Pursuant to the order of the Director, Panchayat, the respondent No.6 has been granted appointment and the appointment of petitioner has been cancelled.
4. The contention of the petitioner is that the Director, Panchayat has failed to appreciate the fact that the application of the respondent No.6 on the institution itself was not sustainable for the reason that it was not supported with proper certificate showing her educational qualification i.e. mark-sheet of 8th standard. According to petitioner, though the respondent No.6 had filed a mark-sheet, but it was doubtful for the reason that it did not bear any signature/seal of the competent authority. He further submits that even before the Additional Collector during hearing of the appeal also the respondent No.6 were not in a position to produce authentic document to establish her qualification and therefore, the petitioner had been precluded from producing any fresh evidence in the revisional stage

and which has been wrongly accepted by the revisional authority. Thus, prayed for setting aside of the impugned order and for issuance of appropriate order directing the respondents to grant the petitioner appointment in place of respondent No.6.

5. Per contra, the counsel for the State as well as respondent No.6 submit that before the Director, Panchayat in the revision proceeding the respondent No.6 has been in a position to produce the document establishing certificate issued from the competent Board showing the respondent No.6 to have passed 8th standard examination with 52.4 percent and the said mark-sheet had signature and seal of the District Education Officer. This document would establish that the respondent No.6 had infact cleared her 8th standard examination before participating in the recruitment process itself. In addition to that fact, the respondent No.6 was a widowed lady and therefore, preferential treatment would always have to be to the widowed lady with qualification. Thus, no irregularity or illegality has been committed by the revisional authority in allowing the revision vide Annexure P/1 and prays for rejection of the petition.
6. Having heard the contentions put forth on either side and on perusal of records it would reveal that the petitioner was considered for grant of appointment only on account of respondent authorities doubting the 8th standard mark-sheet produced by the respondent No.6 at the time of selection process. It would also reveal that there is no dispute or doubt on the subsequent certificate which has been produced by the respondent No.6 before the revisional authority. The fact that the respondent No.6 has convincingly established her

case so far as educational qualification is concerned i.e. 8th standard and the respondent No.6 also being a widow, the order of appointment issued in her favour cannot be said to be in any manner erroneous or bad in law. The findings of the Director, Panchayat dated 22.01.2008 therefore does not warrant any interference.

7. The writ petition therefore being devoid of merit deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge