

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.5415 of 2017**

- Leshraj Sinha S/o Shri Saudaram Sinha, Aged About 28 Years Occupation -- Assistant Teacher Panchayat, Posted At - Naveen Prathmik Shala Dihipara Dodhra, Block And Tehsil Baderajpur , District - Kondagaon Chhattisgarh R/o Village Panchayat Barkai Tehsil Makdi District Kondagaon Chhattisgarh. , Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Panchayat And Rural Development New Mantralay, Raipur Chhattisgarh. , Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat Kondagaon District Kondagaon Chhattisgarh. , District : Kondagaon, Chhattisgarh
3. The Chief Executive Officer Janpad Panchayat District Kondagaon Chhattisgarh. , District : Kondagaon, Chhattisgarh
4. Block Education Officer , Baderajpur, Block And Tehsil Baderajpur, District Kondagaon Chhattisgarh. , District : Kondagaon, Chhattisgarh
5. Principal, Naveen Prathmik Shala Dihipara Dodhra, Block And Tehsil Baderajpur, District Kondagaon Chhattisgarh. , District : Kondagaon, Chhattisgarh

-- Respondents

For Petitioner : Shri Avinash K. Mishra, Advocate
 For Respondent/State: Shri Chandresh Shrivastava, Panel Lawyer
 For Respondents No.2 & 3: Shri Vimlesh Bajpai, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/04/2018**

Heard.

2. In so far as merits of the present writ petition is concerned, the only grievance of the petitioner is that even though, termination order has already been set aside by the Collector as also the petitioner has been acquitted from the criminal case, he is not reinstated in service.

3. On the other hand, learned counsel for the respondents No.2 & 3 would

submit that the review petition has been filed before the Collector.

4. The Collector had exercised the power of appeal under Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995, (In short “the Rules of 1995”) in the matter of appointment of Shiksha Karmi and against the order passed by the Panchayat Institutions. Under the Rules of 1995, there is no power conferred on the appellate authority to review its own order.

5. It is well settled legal position that where the Tribunal is vested with the quasi-judicial function, unless there is express power conferred under the statute to review, once order is passed, it cannot be reviewed.

6. In that view of the matter, in this case, respondents No.2 & 3 are directed to reinstate the petitioner forthwith. The petition is accordingly allowed.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E