

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4617 of 2009**

Samarin Bai, W/o. Jogjeet Satnami, Aged about 27 years, R/o. Village Sarra, Tahsil Palari, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. Arundhati Verma, W/o. Bharat Lal Verma, Anganbadi Karyakarta, R/o. Village and Gram Panchayat Sarra, Tahsil Palari, District Raipur Chhattisgarh
2. The Chief Executive Officer, Janpad Panchayat, Palari, District Raipur Chhattisgarh
3. The State of Chhattisgarh, through: District Programme Officer, Woman and Child Development Department, Raipur, Chhattisgarh
4. The Collector, Raipur, District Raipur Chhattisgarh
5. The Director Panchayat, Chhattisgarh, Raipur Chhattisgarh

----Respondents

For Petitioner	:	Mr. Malay Bhaduri, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/10/2018**

1. The challenge in the present writ petition is to the order passed by the Director Panchayat dated 02.06.2009 (Annexure P/4) as also the order passed by the Collector, Raipur on 19.09.2008 (Annexure P/3).
2. The dispute revolves around the appointment of an Anganbadi Worker at Gram Panchayat, Sarra, Tahsil Palari, District Raipur. Initially an appointment order was issued in favour of the petitioner vide order dated 02.01.2001. The appointment of the petitioner was questioned by the respondent no.1 before the High Court vide WP No. 1742/2001. The High Court vide its order dated 01.07.2008 disposed off the writ petition directing the Collector, Raipur to consider and resolve the dispute of the petitioner and the respondent no.1. Thereafter the Collector, in exercise

of its appellate powers under the regulations and also in the light of the directives given by this Court, decided the matter vide Annexure P/3 dated 19.09.2008 holding that the appointment of the petitioner was bad in law for the reason that the petitioner was not found to be a candidate, who was recommended by the Gram Panchayat. The name of the petitioner also did not reflect in the voter list and there was also no substantial proof of the petitioner being the local resident for being appointment as an Anganbadi worker.

3. Further perusal of the records would show that the order of the Collector dated 19.09.2008 was subjected to challenge before the Director Panchayat and the Director Panchayat has also affirmed the order of the Collector vide his order dated 02.06.2009 (Annexure P/4). While confirming the order of the Collector, the Director Panchayat however has ordered for going in for a fresh recruitment of the post of Anganbadi worker in accordance with newly amended rules in this regard.
4. Counsel for the petitioner now assailing the two orders i.e. the order passed by the Collector, as also the order passed by the Director Panchayat submits that the order of the Collector is ***per se*** illegal for the reason that the same was adjudicated upon, on a representation being made by the respondent no.1, whereas it ought to had been in the form of an appeal and the Collector should exercise the powers of the Appellate authority. He submits that the Collector further has not taken into consideration the entire documents and the credentials of the petitioner while canceling of the order of appointment.
5. However, perusal of the record would show that the petitioner has not been able to bring out cogent substantial material to satisfy that the

finding of the Collector to the extent that the name of the petitioner was not recommended by the Gram Panchayat and his name was not reflected in the voter list etc. to hold that the findings of the Collector bad in law or a perverse finding.

6. Given the aforesaid facts, this Court is of the opinion that the petitioner has not been able to make out a substantial case for interfering with the findings of the Collector, as also that of the Director Panchayat while deciding Annexure P/3 and P/4 respectively.
7. The writ petition accordingly being devoid of merit fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved