

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPS No. 2686 of 2009

- Smt. Sitiya Bai aged about 25 years. W/o Padmlochan. R/o Village Keramunda (Tukda) Gram Panchayat Kudribahara. Vikas Khand Basna. Distt. Mahasamund.

---- Petitioner

Versus

1. The State of Chhattisgarh through Secretary. Women Child Welfare Department, D.K.S. Bhawan Raipur. (C.G.).
2. The Collector Mahasamund
3. The Project Officer, Child Development Distt. Mahasamund.
4. The Chief Executive Officer, Janpad Panchayat, Basna, Distt. Mahasamund.'
5. Smt. Vinodani aged about 25 years W/o Krishna Kumar, R/o Village Keramunda (Tukda) Grampanchayat Kudribahara, Vikas Khand Basna. Distt. Mahasamund (C.G.)
6. Director Panchayat Chhattisgarh Raipur.

---- Respondents

For Petitioner	:-	Mr. Parag Kotecha, Advocate.
For Respondent No.4	:-	Mr. Pawan Shrivastava, Advocate.
For Respondent No.5	:-	Mr. Raghvendra Pradhan, Advocate.
For Respondent-State	:-	Mr. R. Tripathi, PL.

Hon'ble Shri Justice Prashant Kumar MishraOrder On Board

12/12/2019

1. The dispute brought before this Court pertains to appointment of Aganbadi worker for Gram Panchayat Kudribahara. Vide Resolution dated **10.02.2006** names of four persons were recommended in the following order:-
 - (i) Phoolmati
 - (ii) Sitiya Bai (Petitioner)
 - (iii) Vinodani (Respondent No.5)
 - (iv) Kunjmoti
2. Respondent No.5, Vinodani Bai, was appointed on the post which was assailed by the petitioner by preferring appeal before the Collector which was dismissed vide Order dated 17.08.2007 and thereafter the said order was affirmed by Director Panchayat vide impugned Order dated 05.03.2009.
3. While the Collector refused to interfere in the matter on the reasoning that the Respondent No.5 was placed above the petitioner in the preference list, the Director Panchayat has reasoned that name of the petitioner was not included in the BPL survey list, therefore, preference has rightly been accorded to Respondent No.5, Vinodani Bai.
4. Petitioner's counsel would refer to Annexure P/1 to argue that the said document is a proof of the petitioner belonging to a BPL family, therefore, the reasoning assigned by the

Director Panchayat is perverse.

5. Per contra, learned counsel for the respondents would submit that the Respondent No.5 has filed certificate, issued by the Gram Panchayat, mentioning that petitioner was not included in the survey list of BPL families and the petitioner having not filed any document in rebuttal, it is conclusive that the petitioner does not belong to BPL family. On the said basis Director's order is fully justified.
6. I have seen the record of the proceedings drawn by the Gram Panchayat. Against the name of the petitioner, it is clearly mentioned that she does not belong to BPL family. Reference to Annexure P/1 by petitioner's counsel is misplaced for the reason that the said document is a Ration Card issue to BPL families and that by itself is not a certificate of a person belonging to BPL family. The primary proof of inclusion of name of a family in the BPL survey list is the list prepared by the concerned Department of the Government which is known as BPL survey list. Along with certificate of the Gram Panchayat, Kudribahara, the respondent No.5, Vinodani, has also produced survey list of BPL families of the year 2002-03. The said survey list does not include name of the petitioner's family. Thus, there is no *prima facie* proof that the petitioner's family was included in the survey list of BPL families.

7. In view of the above, the reason assigned by the Director while dismissing petitioner's review application does not appear to be perverse. Moreover, the Gram Panchayat has also mentioned in the resolution that the petitioner does not belong to BPL family. If that be so, the Respondent No.5 belonging to the BPL family was rightly accorded preference in the matter of appointment on the post of Aganbari worker.
8. The writ petition has no substance. Accordingly, it is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Ankit