

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 199 of 2019

- Smt. Heera Kumari W/o Ganga Ram Aged About 47 Years,  
R/o Village Borsi Tehsil Bhatapara, District Balodabazar -  
Bhatapara Chhattisgarh. **----- Appellant**

**Versus**

1. State Of Chhattisgarh, Through The Secretary Panchayat  
And Rural Development Department Mahanadi Bhawan,  
Mantralay, Naya Raipur Chhattisgarh.
2. The Director Panchayat, Panchayat And Samaj Sewa,  
Mahanadi Bhawan, Naya Raipur, District Raipur  
Chhattisgarh.
3. Additional Collector, Bhatapara, District Balodabazar -  
Bhatapara Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Bhatapara,  
District Balodabazar – Bhatapara, Chhattisgarh.
5. Programme / Project Officer Women And Child Development  
Project, Bhatapara, District Balodabazar - Bhatapara  
Chhattisgarh.
6. Smt. Rajeshwari W/o Yougal Kishor Aged About 31 Years,  
R/o Village Borsi, Tahsil Bhatapara, District Balodabazar,  
Chhattisgarh. **----- Respondents**

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| For Appellant        | :- Mr.Neelkanth Malaviya, Advocate |
| For Respondent-State | :- Mr. Vikram Sharma, PL           |

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Hon'ble Shri Prashant Kumar Mishra, Ag.CJ

Hon'ble Shri Parth Prateem Sahu,J.  
Judgment On Board

By

Prashant Kumar Mishra, Ag. CJ

04/04/2019

I.A.No.1

1. This is an application for condonation of delay in filing the writ appeal.
2. For the reasons mentioned in the application, the same is allowed and the delay of 86 days in filing the writ appeal is condoned.
3. With the consent of learned counsel for the parties, the appeal is heard finally.
4. Appellant and respondent No.6 are in contest over the issue of appointment on the post of Anganbadi worker. On an earlier occasion the matter traveled up to this Court in WP(S) No.6259 of 2008 decided on 13.02.2018 observing thus:

“7. The dispute of name in the voter list as well as member of BPL family is a disputed question of fact and conflicting claims have been made by both the parties. Therefore, it would be expedient to remit the matter to the Commissioner, Raipur Division, Raipur who will hear the parties again and in the light of the aforesaid instructions quoted herein-above, decide the same within three months from the date of receipt of a copy of this order. Ordered accordingly.”

5. Contrary to the above order of this Court, the matter was raised before the Commissioner in a fresh Revision application and the different order was passed, therefore, the Single Bench has set-aside the order of Commissioner and has directed the State Authority to decide the matter afresh in terms of the order passed on 13.02.2018 in the previous Writ Petition No.6295 of 2008.
6. It is now argued that under the applicable rules, the matter should have been heard by the State Government and not by the Commissioner.
7. The argument is mentioned only to be rejected for the simple reason that as long as the Writ issued by this Court would direct the Commissioner to decide the matter, a contrary order cannot be passed in fresh proceeding. It will otherwise remain open for the petitioner to raise all the issues both factual and legal before the commissioner.
8. The Writ Appeal has no substance and accordingly the appeal is liable to be and is hereby dismissed.

Sd/-  
(Prashant Kumar Mishra)  
Acting Chief Justice

Sd/-  
(Parth Prateem Sahu)  
Judge