

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 3589 of 2019**

Demam Prasad Sinha S/o Shri Tilakram Sinha, Aged About 43 Years  
Member Janpad Panchayat Chhura No. 10, Akalwara, R/o Village And  
Post Office Sorid-Khurd, Police Station And Tahsil Chhura, Civil And  
Revenue District- Gariyaband, Chhattisgarh.

**---- Petitioner(s)**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Atal Nagar New Raipur, Civil And Revenue District- Raipur, Chhattisgarh.
2. Secretary, Department Of Schedule Caste, Schedule Tribe, Other Backward Class And Minority Welfare, Mahanadi Bhawan, Atal Nagar Raipur, Civil And Revenue District- Raipur, Chhattisgarh.
3. Collector, Gariyaband., District : Gariyabandh, Chhattisgarh
4. Chief Executive Officer, Jila Panchayat Gariyaband, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Chhura, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
6. Shri Mahesh Prasad Sharma, Working As Assistant Grade- 02, Janpad Panchayat Chhura, District Gariyaband, Chhattisgarh.

**---Respondents**

|                |   |                                    |
|----------------|---|------------------------------------|
| For Petitioner | : | Shri Ramesh Kumar Nayak, Advocate. |
| For State      | : | Shri Ishan Verma, Panel Lawyer.    |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**10/05/2019**

1. Challenge in this petition is to the order dated 08.03.2019 (Annexure P/6).
2. Plain reading of the order impugned would reveal that the said order has been passed by the Chief Executive Officer, Janpad Panchayat, Chhura, District Gariyaband. Vide the said order, the earlier order of termination dated 08.03.2019 against Shri M.P. Sharma, Assistant Grade-II has been cancelled and it has been ordered that the employee namely M.P.

Sharma, Assistant Grade-II would continue to remain posted in Janpad Panchayat Chhura as an Assistant Grade-II.

3. The present writ petition has been filed by a person who is not directly or indirectly affected by the impugned order.
4. It is settled position of law that so far as filing a petition under the service jurisprudence, the person against whom an order has been passed alone can file a writ petition. It is always the person whose rights has been infringed or against whom an order illegal has been passed can file a writ petition. The petitioner herein seems to be challenging an order of cancellation of termination of some third person by way of this writ petition, which, in the opinion of this court would not be one which could be entertained in the garb of judicial review under Article 226 of the Constitution of India, particularly this court sitting in the roaster hearing service matters and the writ petition also having been filed as Writ Petition (S).
5. Accordingly, reserving the right of the petitioner to avail other remedies open to the petitioner for ventilating his grievance, the present writ petition in its present form deserves to be and accordingly stands rejected.

Sd/-  
(P. Sam Koshy)  
**Judge**