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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 30 of 2017**

*(Arising out of order dated 03.01.2017 passed in Writ Petition (S) No.1534 of 2016 by the learned Single Judge)*

Smt. Pushpanchala Choudhary W/o Shri Munna Lal Choudhary, Aged About 60 Years Occupation- Chairperson, Child Welfare Committee Balrampur, R/o Village Nawki, Post And Thana Rajpur, Civil And Revenue Distt. Balrampur Ramanujganj Chhattisgarh

**---- Appellant****Versus**

1. State Of Chhattisgarh Through The Secretary Women And Child Development Department Mantralaya Mahanadi Bhawan Capital Complex New Raipur, Civil And Revenue Distt. Raipur Chhattisgarh.
2. The Joint Director, Women And Child Development Department, Chhattisgarh Raipur, Tahsil And District Raipur Chhattisgarh
3. District Project Officer, Women And Child Development Department, Balrampur, District Balrampur Ramanujganj Chhattisgarh

**---- Respondents**


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For Appellant : None.

For Respondent/State : Shri Siddharth Dubey, Deputy Government Advocate.

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**Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**

**Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board**

**P. R. Ramachandra Menon, Chief Justice**

**25.07.2019**

1. Challenge is against the verdict passed by the learned Single Judge, whereby the writ petition filed against the termination of the tenure of the writ Petitioner as Chairperson of the Child Welfare Committee was dismissed as devoid of any merit.

2. The Appellant/writ Petitioner was appointed as Chairperson as mentioned above, under the Child Welfare Department, Balrampur District on 24.04.2015, pursuant to the advertisement issued on 16.12.2014 and she joined the post on 03.05.2015. In spite of the fact that she is entitled to continue for the normal period of three years, a new advertisement was issued for selecting the members on 20.09.2015, which made the writ Petitioner to feel aggrieved, who approached this Court by filing a writ petition with the following prayers :

“10.1 That this Hon'ble Court may kindly be please to issue an appropriate writ by commanding the respondents to not made any appointment pursuant to the advertisement dated 20.09.2015 on the post of Chairperson in Balrampur District till the completion of petitioner period.

10.2 That this Hon'ble Court may kindly be pleased to quashed the advertisement dated 20.09.2015 which relates to appointment of Chairperson in Balrampur District.

10.3 That this Hon'ble Court may kindly be please to direct the respondents authority to consider and decide the representations of the petitioner which relates to not disturb her till the completion of her period for which she was appointed.

10.4 That this Hon'ble Court may kindly be please to grant any other/relief order which may be deemed fit and proper in the facts and circumstances of the case including awarding of the heavy cost may also be passed in favour of the petitioner.”

3. The learned Single Judge heard the matter elaborately and observed that the normal tenure could not be aspired by the writ Petitioner by virtue of the particular fact situation that the Committee in existence had completed the tenure of three years and that the tenure of the Chairperson was to be 'co-terminus' with that of the Committee, in terms of Rule 21(1) of the Juvenile Justice (Care and Protection of Children) Rules, 2007. It was accordingly, that the learned Judge declined interference and the writ petition was dismissed. The observation made in paragraphs 11 and 12 of the verdict under challenge are relevant and hence we find it appropriate to extract, the same is given below :

“11. Since, the petitioner's tenure is co-terminus with the tenure of the Committee, which stood expired on 21.11.2015, the petitioner's term also expired by operation of law on 21.11.2015 i.e. provisions contained in Rule 21 (1) of the Rules of 2007, therefore, the petitioner's contention that she is entitled to continue for full period of three years is in teeth of the provisions contained in Rule 21(1) of the Rules of 2007, therefore, it is liable to be rejected and is hereby rejected.

12. There is an additional reason for not upholding the contention of the petitioner that the petitioner has filed this writ petition on 29.4.2016, but pursuant to the advertisement dated 20.9.2015 (Annexure P/1), she submitted her candidature for the post of Chairman of the CWC, however, she was not found suitable for the said post as the Enquiry Committee has found that several criminal cases including the cases under

Sections 188, 506B read with Section 34 of the IPC and Sections 25 & 27 of the Arms Act are pending against her.”

4. When the appeal came up for consideration on 02.02.2017, a Co-ordinate Bench of this Court observed that the learned Judges were not inclined to interfere with the judgement passed by the learned Single Judge, insofar as the case of the Appellant was concerned. However, the Bench observed that the scope of the appeal was to be considered further, with reference to the proper course of selection and filling up the post of members of the Child Welfare Committee and the appropriate directions to be given, considering the pivotal role played by the Child Welfare Committee, in terms of the relevant provisions of the Act. The said provisions of the Act were discussed in the said order and directions were given to the Respondent/State to file an affidavit informing the Court whether any selection Committee was constituted or not and if not constituted, then the reason for not constituting the same. The Bench also observed that, in the case of the Appellant who was appointed as the Chairperson, two criminal cases under the Arms Act were registered against her; despite which she was appointed and hence the said course was deprecated observing that the subsequent acquittal from the criminal cases might not be having any relevance and that the selection was improper.
5. In the course of time, another case, Writ Petition (PIL) No.17 of 2018, has been suo motu registered by this Court; wherein various orders have been passed. The said matter stand clubbed along with the present appeal. It is also seen that an *Amicus Curiae* has been appointed and various reports have been brought on record.

6. In view of the subsequent development, since the wider issue as noted by this Court in the interim order dated 02.02.2017 has been taken care of in Writ Petition (PIL) No.17 of 2018 and further since this Court has already made it clear in the said order that there was no scope for interference with the verdict passed by the learned Single Judge, we hold that the writ appeal need not be kept pending any more. The order dated 02.02.2017 is made absolute. There is no merit in the writ appeal. It stands dismissed accordingly. All the interim orders passed in the writ appeal will form part of the proceedings, to be considered in Writ Petition (PIL) No.17 of 2018 and a copy of this verdict shall be placed on record of Writ Petition (PIL) No.17 of 2018.

**Sd/-**

**(P.R. Ramachandra Menon)**  
**Chief Justice**

**Sd/-**

**(Parth Prateem Sahu)**  
**Judge**