

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5449 of 2019

Sharmila Wd./o Charan, D/o Shyam Lal, Aged About 34 Years, R/o Village Mohali, Post Bhaiyathan, Police Station Bhaiyathan, District Surajpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Women And Child Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur (Chhattisgarh)
2. Collector, Surajpur, District Surajpur (Chhattisgarh)
3. District Programme Officer And Woman And Child Development Department Surajpur, District Surajpur (Chhattisgarh)
4. Project Officer And Woman Child Development Department Bhaiyathan, District Surajpur, (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat Bhaiyathan, District Surajpur (Chhattisgarh).
6. Fulmet W/o Parmesh Aged About 27 Years R/o Village Satyanagar, Village Panchayat Satyanagar, Block Bhaiyathan, District Surajpur Chhattisgarh.

--- Respondents

For petitioner- Shri V.K. Pandey, Advocate.
For State-Shri P. Acharya, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/07/2019

Heard.

1. Grievance of the petitioner is that despite the fact that the petitioner was more qualified to be appointed as Anganbadi Sahayika at centre Mohali, respondent No.6 Fulmet was appointed. It is stated that as per the policy of the State Government which is prevailing as of now today any person aggrieved by the appointment, against the appointment order may file an appeal before the respective authority as prescribed under the C.G. Panchayat Raj Adhiniyam, 1993. It is stated that the petitioner had made an appeal on 4/12/2018 before the Collector as per the policy of the State

Government but the same is not being decided till date. Therefore, only direction is sought that the appeal preferred by the petitioner may be decided.

2. Perusal of the record shows that respondent No.6 was appointed by an order dated 18/09/2018. As per the policy dated 2/04/2008 which is placed on record shows that against any appointment on the post of Anganbadi Sahayika if appointment is made by the Janpad Panchayat appeal would lie according the C.G. Panchayat Raj Adhiniyam, 1993. The appointment order shows that the appointment was made by the Chief Executive Officer, Janpad Panchayat, Bhaiyathan, therefore as per policy no.-11 of the State Government appeal would lie to the Collector as per C.G. Panchayat Raj Adhiniyam, 1993 as C.G. Panchayats (Appeal and Revision) Rules, 1995 contemplate that if order is passed by the Janpad Panchayat, appeal would lie to the Collector. Appeal having been filed in this case it is not been decided as averred, therefore without any observation on the merits of this case, it is directed that respondent No.2/Collector, Surajpur shall decide the appeal of the petitioner as early as possible within the outer limit of three months from the date of receipt of this order.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE