

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9048 of 2019**

- Laxman Dhruwe, S/o Goverdhan Dhruwe, Aged About 30 Years, R/o Village Kodwa, Police Chowki Damapur, Police Station Kunda, District Kawardha (Kabirdham), Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Mahanadi Bhavan, New Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. The Collector District Kabirdham, Chhattisgarh.
3. The Additional Collector District Kabirdham, Chhattisgarh.
4. The Chief Executive Officer Jila Panchayat Kabirdham, Chhattisgarh.
5. District Education Officer District Kabirdham, Chhattisgarh.
6. Chief Executive Officer Janpad Panchayat Pandariya, District Kabirdham, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Sushil Dubey, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Deputy Government Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/11/2019**

1. Earlier the petitioner had preferred a writ petition bearing WPS No. 400 of 2019 against the order dated 01.12.2015 passed by CEO Janpad Panchayat Pandariya in the said writ petition this Court by order dated 21.01.2019 has given liberty to petitioner to approach the appellate authority in accordance with the rule governing the field. It is contended that pursuant to the order passed in WPS No.400 of 2019 an appeal was filed before the

Collector and the Collector without going into the merits has dismissed the appeal on the ground of limitation. Therefore, the instant petition has been filed.

2. Learned counsel for the petitioner submits that since the earlier direction was given by this Court to file an appeal before the Collector and the Collector having dismissed the appeal without hearing the case on merits this petition can be entertained.
3. The records shows the earlier order passed by this Court was for filling appeal under the Chhattisgarh Panchayat Raj Adhiniyam, 1993. Accordingly, the appeal was preferred before the Collector meaning thereby this Court did not entertain the writ petition on earlier occasion. Rule 5 of The Chhattisgarh Panchayat Raj Adhiniyam, 1993 still exists within statute book which purports that against the order of the collector the revision can be filed. Therefore, the petitioner has to avail the statutory remedy to challenge the order of Collector before appropriate forum which is available to him under the law. The statute Rule 5 contemplates after appeal, the revision would lie before the appropriate forum. Since the petitioner has an alternative remedy of filing a revision before the appropriate forum, I am not inclined to entertain this petition as it would be contradictory to the earlier ratio laid down by this Court on 21.01.2019 passed in WPS No.400 of 2019.
4. The registry is directed to return the certified copy of the order after retaining the photo copy of the same.
5. Accordingly, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge