

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2626 of 2020**

Govind Ram S/o Fakir Singh Aged About 35 Years Caste Gond, Fifth Passed (Literate) R/o Village Jhikatola, Tehsil- Dondilohara, District Balod, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Collector, Balod, District Balod, Chhattisgarh
2. The Tehsildar, Tehsil Dondilohara, District Balod, Chhattisgarh
- 3.** Jageshwar Lal S/o Bansiram Aged About 45 Years Caste Halwa R/o Village Jhikatola, Tehsil Dondilohara, District Balod, Chhattisgarh

---**Respondents**

For Petitioner	:	Shri Sachin Nidhi and Shri Hariom Rai, Advocates.
----------------	---	---

For Respondent/State	:	Shri Gagan Tiwari, G.A.
----------------------	---	-------------------------

Hon'ble Shri Justice Goutam Bhaduri

Order

17/11/2020

Heard.

1. Challenge in this petition is to the recommendation made by the Tahsildar for appointment of respondent No.3 Jageshwar Lal as Patel of the village Jhikatola.
2. Learned counsel for the petitioner would submit that as per the guidelines and the notification issued, Patel who is to be selected should be literate and should be able to keep the record in discharge of his duties. Learned

counsel would submit that respondent No.3 whose name has been recommended to be appointed as Patel is not literate as he do not hold any certificate, therefore the recommendation which is made for appointment of respondent No.3 as Patel is bad.

3. Perusal of record would show that there is no order of appointment of respondent No.3 as Patel is placed on record. In any case, if the petitioner is aggrieved by the recommendation the grievance can be subject of challenge under section 44 of the Land Revenue Code. Therefore the petitioner may approach the appropriate forum as necessarily the issue raised before this court involves disputed question of fact and may require appreciation of evidence. In view of this, I am not inclined to exercise the power vested under Article 226 of the Constitution of India.
4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)
Judge