

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.467 of 2010

Smt. Dev Kumari, W/o Manoj Kumar Satnami, aged about 26 years,
R/o Village Anantpur, Post Bhalapur, Tahsil Mungeli, Distt. Bilaspur
(C.G.)

(N.A.No.1)
---- Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Women and Child Development Department, D.K.S. Bhawan, Raipur (C.G.)
2. Director Panchayat, Raipur (C.G.)
3. Additional Collector, Bilaspur (C.G.)
4. Project Officer, Women and Child Development Department, Mungeli, Distt. Bilaspur (C.G.)
5. Chief Executive Officer, Janpad Panchayat, Mungeli, Distt. Bilaspur (C.G.)
6. Sub Divisional Officer (Revenue), Mungeli, Distt. Bilaspur (C.G.)
7. Smt. Shiv Kumari, W/o Shiv Kumar Satnami, R/o Village Anantpur, Post Bhalapur, Tahsil & Block Mungeli, Distt. Bilaspur (C.G.)
(Applicant)
---- Respondents

For Petitioner: Mr. Vinod Deshmukh, Advocate.
For Respondents No.1 to 4 and 6 / State: -
Mr. Avinash Singh, Panel Lawyer.
Respondents No.5 and 7: -
None present, though served.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The petitioner calls in question legality, validity and correctness of order dated 2-12-2009 passed by the Director (Panchayat), whereby

the revision preferred by respondent No.7 Smt. Shiv Kumari has been allowed and the order of the Additional Collector holding that the petitioner is eligible candidate on the post of Aanganbadi Karyakarta, Gram Panchayat, Lachanpur, dated 3-3-2009 has been set aside.

3. Learned counsel for the petitioner would make singular submission that if the learned Director (Panchayat) was of the opinion that respondent No.7 was not given opportunity before removing her in accordance with circular No.728 dated 2-4-2008, the matter could have been remanded for giving opportunity of hearing following the circular dated 2-4-2008 and in no case, the revision could have been allowed in toto setting aside the order of the Additional Collector dated 3-3-2009, therefore to that extent the writ petition deserves to be allowed.
4. Learned State counsel would support the impugned order.
5. I have heard learned counsel for the parties and considered their submissions made herein-above and also went through the record with utmost circumspection.
6. The petitioner was appointed on the post of Aanganbadi Karyakarta on 26-3-2007 at Gram Panchayat, Lachanpur and thereafter, on 12-7-2007 appointment order was issued in favour of respondent No.7 as Aanganbadi Karyakarta and on 3-5-2008, on the basis of enquiry report submitted by the Supervisor, Janpad Panchayat, Anantpur and meeting of committee passed resolution cancelling the appointment of respondent No.7 and recommended for appointment of the petitioner on the post of Aanganbadi Karyakarta and on that basis, order was passed by the Janpad Panchayat on 10-10-2008 and appointment of respondent No.7 cancelled and the petitioner was appointed to which

the petitioner submitted joining. The appeal filed by respondent No.7 before the Additional Collector was dismissed on merits which was interfered with by the Director (Panchayat) and the Director (Panchayat) by its impugned order has allowed the revision on the basis of instructions in the circular dated 2-4-2008 merely on the ground that before issuing the order dated 10-10-2008, respondent No.7 has not been afforded opportunity of hearing in terms of that circular and respondent No.7 was removed without giving opportunity of hearing which ought to have been given. While allowing revision, the Director (Panchayat) has committed error by not remanding the matter to the Janpad Panchayat, Mungeli to give opportunity of hearing to the effected party respondent No.7 and thereafter could have directed to pass order. Such course has not been followed, but the revision is allowed in toto. Accordingly, the impugned order is partly set aside and the matter is remitted to Janpad Panchayat, Mungeli for giving opportunity to respondent No.7 and all concerned and thereafter to decide the issue of removal of respondent No.7 in accordance with law within 3 months from the date of receipt of a copy of this order.

7. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge