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**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(227) No. 1022 of 2011****Order reserved on 22.06.2021****Order delivered on 30.06.2021**

Devanand S/o Bailochan aged 33 years caste Soura (Tribal), R/o village Sonbala, P.S. & tehsil Baramkela, District Raigarh, Chhattisgarh.

**---- Petitioner****Versus**

1. State of Chhattisgarh through Secretary Panchayat & Rural Development Department Mantralay, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. Additional Collector, Raigarh, District Raigarh, Chhattisgarh.
3. Sub-Divisional Officer (Revenue), Sarangarh, District Raigarh, Chhattisgarh.
4. Smt. Pavitra Bai W/o Hemgiri Up-Sarpanch (Officiating Sarpanch) Gram Panchayat, Ghoghra Block & Tehsil Baramkela, District Raigarh, Chhattisgarh.
5. Ashok Sahu, Secretary Panchayat Karmi Gram Panchayat Ghoghra Block & Tehsil Baramkela, District Raigarh, Chhattisgarh through Chief Executive Officer (C.E.O.) Janpad Panchayat Baramkela Block & Tehsil Baramkela, District Raigarh, Chhattisgarh.
6. Ramnath S/o Uttrakumar R/o. Village Sonbala Panchayat Karmi Cum Panchayat Secretary Gram Panchayat, Ghoghra Block & Tehsil Baramkela, District Raigarh, Chhattisgarh.
7. Bhoj Ram S/o. Nirmal R/o village Sonbala Tehsil Baramkela, District Raigarh, Chhattisgarh.
8. Nehru S/o Lambodar R/o. Village Ghoghra, Tehsil Baramkela, District Raigarh, Chhattisgarh.
9. Nripo Lal S/o Manu R/o village Sonbala, Tehsil Baramkela, District Raigarh, Chhattisgarh.

**---- Respondents**


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| For the Petitioner               | : | Shri Priyanshu Gupta, Advocate. |
| For Respondents No.1 to 3/ State | : | Shri Ashish Tiwari, G.A.        |
| For Respondents No.4 to 9        | : | None.                           |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****CAV ORDER**

1. This petition has been brought under Article 227 of the Constitution of India seeking indulgence of this Court to question the recruitment procedure, by which respondent No.6 was appointed in an arbitrary manner and also seeking issuance of a direction to conduct fresh recruitment in accordance with the Rules and law.

2. It is submitted by counsel for the petitioner that the petitioner had applied for the post of Panchayat Karmi in Gram Panchayat Ghoghra, Tehsil Baramkela, District Raigarh. The Sarpanch of Gram Panchayat, namely, Uttara Kumar had resigned and respondent No.4 – Smt. Pavitra Bai was functioning as Up-Sarpanch. Without issuance of any advertisement or publication of any advertisement, a resolution was passed by Gram Panchayat to appoint respondent No.6 – Ramnath as Panchayat Karmi, who happens to be the son of Ex-Sarpanch. This appointment has been made in a clandestine manner without following the rules, regulations and directions which has been issued by the State Government for the post of Panchayat Karmi, Gram Panchayat, Ghoghra Block, Tehsil Baramkela, District Raigarh, Chhattisgarh. An appeal was preferred before the Sub-Divisional Officer, which was dismissed by the order dated 14.7.2008 (Annexure-P/2). A revision was preferred by the petitioner and others before the Court of Additional Collector, Raigarh, which has been again dismissed by the order dated 15.7.2010. It is also submitted that these orders are not sustainable, therefore, the petition be allowed and the relief be granted to the petitioners.

3. Learned State counsel appearing for respondents No.1 to 3 opposes the submissions and submits that no error has been committed by the Sub-Divisional Officer and by the Court of Additional Collector in passing the orders. The recruitment process was validly taken up by publication of an advertisement, granting time for filing of an application and then by passing resolution by Gram Panchayat, which was ended in the appointment of respondent No.6 - Ramnath. The submission of the petitioner that the rules and regulations were not followed is not valid and vague, therefore, the petition is not sustainable.

4. Heard learned counsel for the parties and perused the documents present on record.

5. Considered the submissions. It has been observed in the order of the Sub-Divisional Officer dated 14.7.2008, that Tehsildar Baramkela made an enquiry and reported, that sanction was granted by the Deputy Director, Social Welfare Department, Raigarh on 16.4.2008 for appointment to the post of Panchayat Karmi. In compliance of the same, the Panchayat made a publication of advertisement on the same date and time was granted for filing an applications up till 30.4.2008. Subsequent to which, the Gram Panchayat resolved with majority in favour of respondent No.6 for his appointment. It has been similarly observed in the impugned order passed by the Additional Collector, Raigarh. There appears to be no scope for doubt, on the contrary it appears the rules, regulations, directions etc. were followed in the recruitment procedure taken up by respondent No.4 and the Gram Panchayat. The allegations that have been made by the petitioner

that the procedure was taken up secretly to accommodate and benefit the son of Ex-Sarpanch cannot be enquired and investigated in this writ petition. Therefore, I do not find any substance in this petition, which is dismissed and disposed off.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge