

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1515 of 2009**

Smt. Lata Ramesh Kumar Nishad, W/o Ramesh Kumar Nishad, Aged about 25 years, Darripara, R/o Gram Panchayat Kosmi, Tahsil Gariyaband, Distt. Raipur, Chhattisgarh.

---Petitioner**Versus**

- 1.State of Chhattisgarh, through the Secretary, Department of Panchayat & Social Welfare, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
- 2.Director (Panchayat), Chhattisgarh, Raipur, Chhattisgarh.
- 3.Additional Collector, Gariyaband, Distt. Raipur, Chhattisgarh.
- 4.Sub Divisional Officer, Gariyaband, Raipur, Chhattisgarh.
- 5.Chief Executive Officer, Janpad Panchayat, Gariyaband, Raipur, Chhattisgarh.
- 6.Gram Panchayat, Kosmi, Gariyaband, Distt. Raipur, Chhattisgarh through its Sarpanch.
- 7.Salim Memon, S/o Mohd. Zifar, R/o Village Gariyaband, Distt. Raipur, Chhattisgarh.

--- Respondents

For Petitioner :-	Mr. Anuroop Panda on behalf of Mr. B.D. Guru, Advocate
For State :-	Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Through Video Conferencing)

29/06/2021

1. The petitioner herein claims that he was appointed on the post of 'Contract Teacher (Class III)' in Primary School, Kosmi by order dated 28/08/2003 (Annexure P-4), but during the course of his employment, the Chief Executive Officer, Janpad Panchayat, Gariyaband, by order dated 21/01/2004, directed the Headmaster of the Primary School to discontinue the service of the petitioner and accordingly, her service was terminated and instead respondent No. 7 was appointed on her post against which the petitioner filed a case before the Sub-divisional Officer, Gariyaband which was dismissed by order dated 05/09/2005 (Annexure P-3). Thereafter, an appeal was preferred by the petitioner before the Collector which was also dismissed by order dated 18/09/2007 (Annexure P-2) against which petitioner preferred a revision before the Director (Panchayat), but that too has been dismissed vide impugned order dated 02/12/2008 (Annexure P-1), feeling aggrieved against which this writ petition has been preferred.

2.Mr. Anuroop Panda, learned counsel for the petitioner, would submit that though the petitioner was duly appointed on the post of 'Contract Teacher (Class III)' on 28/08/2003, but her services were abruptly discontinued on 22/01/2004, which is ex-facie illegal and bad in law, as such, the impugned order deserves to be set aside.

3.Mr. Ravi Bhagat, learned State counsel, would submit that he has requisitioned the original appointment Register which shows that only respondent No. 7 was selected and appointed on 23/08/2003 by the Gram Panchayat and petitioner was never selected and appointed on the said post, as such, petitioner's case has rightly been dismissed by the S.D.O. and thereafter, rightly affirmed by the Collector and the Director (Panchayat).

4.I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5.It is not in dispute that petitioner and respondent No. 7 along with ten other candidates were called for selection on the post of 'Contract Teacher (Class III)' in Primary School, Kosmi and upon consideration, respondent No. 7 was appointed by

Gram Panchayat Resolution dated 23/08/2003 and petitioner was never appointed on the said post which is clear from the original appointment register which has been requisition by learned State counsel and on that basis, the Sub-divisional Officer has clearly recorded that petitioner was never appointed on the said post which has rightly been affirmed by the Collector and the Director (Panchayat). Since respondent No. 7 was appointed on the said post and petitioner was never appointed which is apparent from the record available, the impugned order passed by the Director (Panchayat) affirming the order of the Collector and the Sub-divisional Officer cannot be interfered with and it is hereby re-affirmed.

6. Accordingly, the instant writ petition stands dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet