

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2660 of 2021

1. Ku. Vandana Chouhan D/o Shri Lakhan Lal Chouhan Aged About 22 Years
Residence of Village- Bundeli, Tahsil- Baramkela, District- Raigarh
(Chhattisgarh)

---Petitioner(s)

Versus

1. The Commissioner Bilaspur Division, District- Bilaspur (Chhattisgarh).
2. The Collector Raigarh, District - Raigarh (Chhattisgarh).
3. The Chief Executive Officer Janpad Panchayat Baramkela, District -
Raigarh (Chhattisgarh).
4. The Project Officer Integrated Child Development Project, Lendhara,
District- Raigarh (Chhattisgarh).
5. Ku. Jyoti Chouhan D/o Shri Dhruw Kumar Chouhan Aged About 22 Years
Residence of Village- Bundeli, Tahsil- Baramkela, District- Raigarh
(Chhattisgarh).

---Respondents

For Petitioner	:	Shri Vineet Pandey, Advocate.
For State	:	Shri Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.06.2021

1. Aggrieved by the order passed by the Divisional Commissioner, Bilaspur-
Respondent No.1, dated 13.04.2021, the present writ petition has been
filed. Vide the said order, the respondent No.1 while admitting the appeal
of the petitioner has rejected the application of the petitioner for grant of
interim relief.
2. Brief facts of the case is that against the advertisement for filling up of the
post of Angan Badi Worker issued on 14.06.2018, the petitioner had
applied for the post of Angan Badi Worker of Gram Panchayat, Bundeli,
District Raigarh. She got selected and appointment order was issued on
12.02.2019. The petitioner assumed her duties and since then she is
working on the post of Angan Badi Worker of the said Gram Panchayat.
Meanwhile, the respondent No.5 questioned the appointment of the
petitioner by way of an appeal before the District Collector, the respondent

No.2. The Collector allowed the appeal of respondent No.5 vide order dated 08.03.2021. All these period the petitioner has been discharging her duties as Angan Badi Worker. Immediately after the order of the Collector, the petitioner has preferred a Second Appeal before the Divisional Commissioner on 18.03.2021 itself. The Commissioner, after registering Second Appeal has admitted the same for final hearing and notices were issued to the respondents, however, rejected the application of the petitioner for grant of interim relief.

3. The contention of the petitioner is that right from February, 2019 till date it is the petitioner who is discharging the duties of Angan Badi Worker of the said Gram Panchayat. The petitioner has also brought on record a document by which it could be seen that even after the order passed by the Collector in Appeal it is the petitioner who is discharging the duties and has also been receiving salary for the month of April (payable in May) and for the month of May (Payable in June).
4. The limited relief that the petitioner has made at this juncture is that since the petitioner is working on the said post for more than two years, at least till the Second Appeal of the petitioner is decided by the Commissioner, the petitioner may be permitted to continue on the said post subject to outcome of the Second Appeal.
5. The State counsel however submits that after the order passed by the first appellate authority i.e. the Collector on 08.03.2021 whereby there is a specific finding that the respondent No.5 has been wrongly denied appointment, the petitioner does not have any claim for interim protection.
6. Be that as it may, considering the entire facts and circumstances of the case, particularly taking note of the fact that the petitioner till date is discharging her duties as Angan Badi Worker even after the order passed

by the District Collector and also taking note of the fact that the petitioner has been working continuously since February, 2019 onwards, in the opinion of this court ends of justice would meet if the writ petition is disposed of directing the respondent No.1 to decide the Second Appeal of the petitioner at the earliest and till the Second Appeal is decided, let status quo as it exists today so far as post of Angan Badi Worker for Gram Panchayat, Bundeli, is concerned, be maintained, subject to outcome of the Second Appeal. This, in other words, means if the petitioner is working on the said post till date, she be permitted to continued on the said post subject to final outcome of the Second Appeal pending before the Divisional Commissioner.

7. With the aforesaid observations, the impugned order Annexure P/1 dated 13.04.2021 stands quashed/set aside to the extent of rejection of interim application of the petitioner. However, the respondent No.1 shall be free to decide the appeal on its own merits in accordance with rules and regulations governing the field.
8. It is expected that the respondent No.1 shall take a decision on the appeal within an outer limit of 90 days from the date of receipt of copy of this order.
9. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge