

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3173 of 2021

- Smt. Fekan Bai Mehar W/o Shri Ramlochan Mehar, Aged About 43 Years R/o Village-Goindari, Gram Panchayat Baijana, Janpad Panchayat-Pathariya, District-Mungeli, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Panchayat And Rural Development Department Mahanadi Bhawan Capital Complex, New Raipur, Civil And Revenue District-Raipur, Chhattisgarh
2. Collector Mungeli, District-Mungeli, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pathariya, District-Mungeli, Chhattisgarh
4. Gram Panchayat Baijna, Through Its Secretary, Gram Panchayat Baijna, Janpad Panchayat Pathariya, District-Mungeli, Chhattisgarh
5. Smt. Jyoti Jayswal, Officiating Sarpanch Gram Panchayat Baijna, Janpad Panchayat Pathariya, District-Mungeli, Chhattisgarh

---- Respondents

For Petitioner : Shri Sunil Sahu, Advocate

For Respondents/ State : Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2021

Heard.

1. Learned counsel for the petitioner would submit that the instant petition has been filed against the proposal of the Gram Panchayat which is contrary to Section 38 of the C.G. Panchayat Raj Adhihiyam, 1993 in as much as post of Sarpanch is reserved for women Scheduled Caste category but contrary to the rules the Officiating Sarpanch has been appointed.
2. Perused the documents.
3. Perusal of the documents would show that Section 91 of the C.G. Panchayat Raj Adhiniyam, 1993 purports that an appeal or revision lies against the order or

proceedings of a Panchayat and other authority under this Act, since the proposal will be covered within the ambit of proceeding of Section 91 of the C.G. Panchayat Raj Adhiniyam, 1995., therefore, the petitioner will be at liberty to file an appeal.

4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti