

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.1671 of 2013

- Smt. Mamta Patel, W/o Shri Pradeep Kumar, Aged About 37 Years, Caste Kunbi, R/o Village Aghariyapara, Goverdhanpur, Village Panchayat Sondeeha, Janpad Panchayat and PS Pratappur, Distt. Surguja, Chhattisgarh

----- Petitioner

Versus

- 1.State Of Chhattisgarh Through The Secretary, Women and Child Development Department, Mantralaya, Capital Complex, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
- 2.Director, Panchayat Raipur Distt. Raipur, Chhattisgarh
- 3.Collector, Surguja Ambikapur Distt. Surguja, Chhattisgarh
- 4.District Programme Officer, Woman and Child Development Deptt., Ambikapur, Distt. Surguja, Chhattisgarh
- 5.Chief Executive Officer, Janpad Panchayat, Pratappur Distt. Surguja, Chhattisgarh
- 6.Smt. Rashmi Sachan, W/o Sanjay Patel, Aged About 47 Years, Goverdhanpur, Village Panchayat Sondeeha, Janpad Panchayat Pratapur, Distt. Surguja, Chhattisgarh

----- Respondents

For Petitioner	Mr. V. K. Pandey, Adv.
For Respondent-State	Mr. Animesh Tiwari, Dy. AG
For Respondent No.5	Mr. Yashwant Thakur, Adv.
For Respondent No.6	Mr. D. N. Prajapati, Adv.

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

21/09/2021

1. The petitioner herein calls in question the legality, validity and the correctness of the order dated 08.05.2013 (Annexure-P/1) passed by the respondent No.1, whereby the respondent No.1 has dismissed the revision preferred by the petitioner affirming the order dated 22.04.2008 (Annexure-P/6) passed by the respondent No.2, whereby the appeal preferred against the appointment of the respondent No.6 as Aaganbadi Karyakarta has been dismissed.
2. Mr. Pandey, learned counsel for the petitioner, would submit that in the revision preferred before the respondent No.1, the contentions of the petitioner have not been considered and decided as per Clause 8 of the Circular dated 17.01.2006 (Annexure-P/4) issued by the State Government and the other contentions such as respondent Nos.6's experience certificate and BPL certificate being forged have also not been considered in accordance with law and the revision has been

dismissed summarily, therefore, the impugned order deserves to be set aside.

3. Learned State counsel and learned counsel for the private respondents would support the impugned order.
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. True it is that the petitioner questioned the order of appointment of the respondent No.6 as Aaganbadi Karyakarta by preferring an appeal before the respondent No.2 and the petitioner's appeal has been dismissed on merits, but when the revision was preferred before the respondent No.1, the respondent No.1 noted the submission and contention of the petitioner to some extent but did not consider it entirely, as such there no consideration that whether the petitioner was entitled as per circular (Annexure-P/4) or not and whether the experience certificate and the other certificates filed by the respondent

No.6 are the genuine documents and similarly the other contentions raised before this Court have also not been addressed by the Revisional Authority, as such the revisional order is without application of mind and it could have been passed by considering the submissions and contentions raised by the petitioner. Accordingly, the impugned order dated 08.05.2013 (Annexure-P/1) is hereby set aside and the matter is remitted to the respondent No.1 to pass a fresh order being reasoned and speaking order after considering the submissions and contentions of the petitioner within 3 months from the date of receipt of copy of this order.

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

Sd/-

Sanjay K. Agrawal
Judge

Nirala