

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 300 of 2021**

- Smt. Neema Sahu W/o Ravindra Sahu Aged About 24 Years Working As Aanganbadi Worker, At Gram Panchayat Loharshi, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh, Resident Of Village Loharshi, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh ----- Appellant

Versus

1. Smt. Vimlesh Kashyap W/o Bhagwat Kashyap Aged About 26 Years Working As Aanganbadi Karyakarta, Resident Of Village Loharshi, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh,
2. State Of Chhattisgarh Through The Project Officer, Department Of Women And Child Development, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh,
3. Director Panchayat, District Raipur Chhattisgarh
4. The Additional Collector Janjgir Champa District Janjgir Champa Chhattisgarh
5. Chief Executive Officer Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh

----- Respondents

For Appellant :- Mr. Udho Ram Koshaley, Advocate
For Respondent No.1 :- Ms. Renu Kochar, Advocate
For Respondents No.2 to 4 :- Mr. Arjit Tiwari, PL

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Smt. Rajani Dubey, J
Judgment On Board

By**Prashant Kumar Mishra, Ag.CJ**

27/09/2021

1. The issue brought before learned Single Judge arose out of proceedings for appointment of Anganbadi worker. Name of writ petitioner Smt. Vimlesh Kashyap was not included in the select list, therefore, she raised an objection and a new select list was issued on 09.9.2006, appointing Smt. Vimlesh Kashyap on the post of Angabadi Karyakarta.
2. Challenging the above order, appellant (respondent No.6 in WPS) preferred an appeal before the Additional Collector which was allowed by the said appellate authority. Smt. Vimlesh Kashyap preferred a revision petition before the Director (Panchayat) which was dismissed, therefore, in the writ petition Smt. Vimlesh Kashyap assailed both the orders i.e., the appellate order passed by the Additional Collector and revision order passed by the Director (Panchayat).
3. In the opinion of learned Single Judge, if the appellate authority found that Smt. Vimlesh Kashyap was wrongly appointed, the appropriate course would have been to remit the matter back to the appellate authority for making a comparative evaluation and passing a fresh order, however, the same has not been done, the matter now needs to be remitted back to the Additional Collector.
4. Having heard learned counsel for the parties, we have not found any such illegality, irregularity or jurisdictional infirmity in the order passed by learned Single Judge. No

interference of this Court is required in this intra Court appeal.

5. Accordingly, the writ appeal is dismissed, however, it is directed that the appellate authority i.e., the Additional Collector, while deciding the matter afresh after hearing the appellant - Neema Sahu and Smt. Vimlesh Kashyap shall not be influenced by any observation made by learned Single Judge in its impugned order. The Additional Collector shall also pass a reasoned order within a period of 60 days from the date of submission of certified copy of this order.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Rajani Dubey)
Judge

Ayushi