

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 429 of 2021**

Pramila W/o Devkumar Aged About 44 Years Caste- Chamar, Village Mahuli, Tahsil Wadrafnagar, District Balrampur Ramanujganj, Chhattisgarh District Balrampur Chhattisgarh (Respondent No. 6 Before The Writ Court)

---- Appellant**Versus**

1. State of Chhattisgarh Through- Secretary, Women And Children Development Department Mantralaya Atal Nagar, District- Raipur, Chhattisgarh, District Raipur (C.G.)
2. Commissioner Surguja Division Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
3. The Collector Balrampur Ramanujganj District Balrampur Ramanujganj, Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Wadrafnagar, District Balrampur Ramanujganj, Chhattisgarh
5. Program Officer Integrated Women And Child Development Department Wadrafnagar, District Balrampur Ramanujganj, Chhattisgarh
6. Sarswati Patwa W/o Ramgovind Patwa Aged About 22 Years R/op Village Mahuli Tehsil Wadrafnagar, District Balrampur Ramanujganj, Chhattisgarh

---- Respondents

(Cause-title taken from Case Information System)

For Appellant	: Mr. Rakesh Pandey, Advocate
For Respondents No.1 to 5	: Mr. H.S. Ahluwalia, Deputy Advocate General
For Respondent No.6	: Mr. Nishi Kant Sinha, Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri N.K. Chandravanshi Judge****Judgment on Board****Per Arup Kumar Goswami, Chief Justice****07.12.2021**

Heard Mr. Rakesh Pandey, learned counsel for the appellant. Also heard Mr. H.S. Ahluwalia, learned Deputy Advocate General appearing for respondents No.1 to 5 and Mr. Nishi Kant Sinha, learned counsel appearing

for respondent No.6/writ petitioner.

2. This writ appeal is presented against an order dated 25.11.2021 passed by the learned Single Judge in I.A. No.1 of 2021, filed in Writ Petition (S) No.6453 of 2021.

3. By the aforesaid order, I.A. No.1 of 2021 is allowed and the effect and operation of the order dated 25.10.2021, passed by the respondent No.2/Commissioner, Surguja Division, Ambikapur in Panchayat Revision Case No.202101960100024/81/A-89/2020-21, was stayed until further orders.

4. The learned Single Judge, only on the basis that the writ petitioner was holding the requisite domicile certificate for her appointment to the post of Aanganbadi Worker, allowed I.A. No.1 of 2021.

5. Mr. Rakesh Pandey, learned counsel for the appellant has submitted that the learned Single Judge failed to consider the fact that the appellant had secured 44.20 marks while the writ petitioner had secured 44.16 marks and therefore, even if the domicile certificate of the writ petitioner is, prima facie, found to be valid, then also, having regard to the fact that the appellant had secured more marks, there was no occasion for the learned Single Judge to stay the order of the Commissioner during the pendency of the proceedings.

6. Mr. Nishi Kant Sinha, learned counsel for the respondent No.6/writ petitioner submits that the order of the Commissioner would go to show that the appellant had secured 44.02 marks while the writ petitioner had secured

44.16 marks, which means that the writ petitioner had secured more marks than the appellant. While holding so, the writ appellant was allowed to hold the charge of Aanganbadi Worker on the ground that the writ petitioner did not have the requisite and valid domicile certificate. Mr. Sinha submits that the original record will disclose that the writ appellant had secured 44.02 marks. When, prima facie, it was found that the writ petitioner was holding requisite and valid domicile certificate, the learned Single Judge was justified in suspending the order of the Commissioner and therefore, no interference is called for with the order of the learned Single Judge.

7. The writ petitioner has annexed a document at page-23 of the appeal papers wherefrom it is seen that the appellant had secured 44.20 marks while the writ petitioner has secured 44.16 marks. The document produced by the writ petitioner itself, prima facie, indicates that the appellant had secured more marks than the writ petitioner. However, this vital aspect was not considered by the learned Single Judge.

8. In that view of the matter, the order dated 25.11.2021 insofar as it relates to interim order, is set aside.

9. Accordingly, the writ appeal is allowed. No cost.

Sd/-

(Arup Kumar Goswami)
Chief Justice

Sd/-

(N. K. Chandravanshi)
Judge