

(2015) 06 CHH CK 0009
In the Chhattisgarh High Court
Case No : W.P. No. 6414 of 2014

Mahendra Das

APPELLANT

Vs

State of C.G. and Others

RESPONDENT

Date of Decision : 29-06-2015

Acts Referred:

Citation : (2015) 4 CGLJ 52

Hon'ble Judges : Prashant Kumar Mishra, J.

Bench : Single Bench

Advocate : Uttam Pandey, Advocate, for the Appellant; Sangharsh Pandey, Dy. Govt. Advocate, for the Respondent

Final Decision : Allowed

Judgement

Prashant Kumar Mishra, J.—Petitioner has preferred this writ petition seeking quashment of the resolution of Gram Panchayat, dated 09/06/2014 and the consequent appointment of the respondent No. 3 as Panchayat Assistant-cum-Data Entry Operator of Village Solemeta-01, Janpad Panchayat - Bastar, District Bastar (C.G.). Learned counsel for the petitioner would submit that the petitioner having secured 50.16 marks in the selection process, he is more meritorious than the respondent No. 3 who has secured only 48.73 marks, yet the petitioner is denied appointment for the reason that the petitioner is treated to be a relative of the office bearer of the Panchayat.

2. Shri Pandey, learned counsel would submit that the brother of the petitioner's aunt (Chachi) is a Panch in the said Panchayat, however, the said relation is not included within the term "relative" as mentioned in the second proviso to Section 69(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and the subject advertisement.

3. Learned State counsel would submit that the petitioner has alternative remedy of preferring an appeal before the Sub Divisional Officer (Revenue), therefore, the writ petition is not maintainable.

4. No one appears for the respondent Nos. 2 & 3 despite service of notice.

5. In view of the aforesaid, the writ petition is disposed of with a direction that in the event petitioner prefers appeal against the appointment of respondent No. 3 as Panchayat Secretary-cum-Data Entry Operator of Village Panchayat, Solemeta-01 before the concerned Sub Divisional Officer within a period of four weeks from today, the said officer shall consider and decide the appeal after hearing all the concerned parties at the earliest, preferably within a period of six months from the date of submission. Till the matter is considered and decided by the concerned Sub Divisional Officer (Revenue), the appointment of respondent No. 3 as Panchayat Assistant-cum-Data Entry Operator of Gram Panchayat Solemeta-01 shall remain stayed.