
(2015) 11 JH CK 0060
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5334 Of 2013

Sheo Prasad Gupta

APPELLANT

Vs

State Of Jharkhand and Ors.

RESPONDENT

Date of Decision : 20-11-2015

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2016) 1 JLJR 158

Hon'ble Judges : Pramath Patnaik, J

Bench : Single Bench

Advocate : Nehala Sharmin

Final Decision : Dismissed

Judgement

Pramath Patnaik, J

1. In the accompanied writ application, the petitioner, inter alia, has prayed for quashing of memo No. 1554 dated 5.7.2012 passed by the respondent concerned in pursuance to the order passed in order dated 12.4.2012 in W.P.(S) No. 6636 of 2002 and for direction upon the respondents to appoint the petitioner to the post of Dalpati in view of the provisions of Jharkhand Gram Raksha Dal Niyamawali, 2001. Sans details of the facts as averred in the writ application in a nutshell is that the petitioner was appointed on the post of Dalpati on 20.1.1997 by the Executive Committee of Dodan Gram Panchayat and accordingly, the petitioner submitted his joining before the Block Development Officer, Ghaghra and since then he had been working to the said post, but, the appointment of the petitioner was not confirmed by respondent No. 4, District Panchayati Raj Officer, Ghaghra, the petitioner submitted representation to the respondent authorities for confirmation of appointment to the post of Dalpati. Being aggrieved by the inaction of the respondent authorities, the petitioner approached this court in W.P.(S) No. 6636 of 2002 which has been disposed of vide order dated 12.4.2012 with a direction to the Director, Panchayati Raj, Jharkhand for taking final decision in the matter by considering rule 6 r/w Rule

29 of the Jharkhand Gram Panchayat Raksha Dal Niyamawali, 2001 in context with letter No. 209 dated 1.8.2011. It was also observed that the Director, Panchayati Raj, Jharkhand shall consider the same and take decision on this issue within three months from the date of receipt/production of a copy of this order. With the aforesaid decision the writ petition was disposed of.

In view of the order passed by this Court, the respondent has passed an order dated 5.7.2012, vide Annexure-3 to the writ application, rejecting the claim of the petitioner. Being aggrieved by the impugned order dated 5.7.2012, the petitioner approached this Court under article 226 of The Constitution of India invoking the extraordinary jurisdiction of this Court for redressal of his grievances.

2. Per Contra the respondent has filed a counter-affidavit controverting the averments made in the writ application. It has been submitted that in compliance of this Court order the respondent No. 4, the then District Panchayati Raj Officer, Gumla has not confirmed the candidature of the petitioner. After considering all the aspects, Director, Panchayati Raj, Jharkhand vide memo No. 1554 dated 5.7.2012 came to the conclusion that the petitioner's appointment on the post of Dalpati was not valid in the eyes of law. Competent authority from perusal of the reports sent by the District Panchayati Raj Officer came to the conclusion that the selection of the petitioner to the post of Dalpati was not confirmed by the District Panchayati Raj Officer, Gumla. It has further been submitted that in compliance of the order passed by this Court in W.P.(S.) No. 6636 of 2002 dated 12.4.2012 a reasoned order has already been passed by the Director, Panchayati Raj, Jharkhand after scrutiny of all relevant papers and reports of the District Panchayati Raj Officer, Gumla as well as the prevalent law in this regard.

3. After hearing Mr. Sheo Prasad Gupta, in person, and Mrs. Nehala Sharmin, learned counsel appearing for the respondents and on perusal of the records, I am of the considered view that the impugned order dated 5.7.2012 vide Annexure-3, does not warrant any interference of this Court in view of the following facts and reasons:--

(i) Admittedly, the petitioner was appointed as Dalpati on 20.1.1997 by the Executive Committee of Dodan Gram Panchayat and accordingly submitted his joining report before the Block Development Officer, Ghaghra. The said appointment of the petitioner was sent before the District Panchayati Raj Officer, Ghaghra-respondent No. 4 for confirmation but the respondent No. 4 declined to confirm the appointment of the petitioner to the post of Dalpati. Being aggrieved by the order of respondent No. 4, the petitioner approached this Court in W.P.(S) No. 6636/2002 which has been disposed of vide order dated 12.4.2012 with a direction to respondent i.e. Director, Panchayati Raj to take decision within three months. Accordingly, the decision has been taken by the authorities vide Annexure-3, order dated 5.7.2012 which is a reasoned and speaking order and absolutely there is no infirmity in the impugned order calling for any interference of this Court.

(ii) In view of the facts and reasons stated in the foregoing paragraphs the impugned order dated 5.7.2012 vide Annexure-3 to the writ application does not warrant any interference by this Court.

Accordingly, the writ petition is dismissed being devoid of merit.