
(2014) 05 MP CK 0099
In the Madhya Pradesh High Court
Case No : W.P. No. 16452/2005(S)

Smt. Meena Bai

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 02-05-2014

Acts Referred:

Citation : (2014) 05 MP CK 0099

Hon'ble Judges : K.K. Trivedi, J

Bench : Single Bench

Advocate : Swapnil Ganguly, Learned Govt. Advocate for Respondents Nos. 1 to 3, Advocate for the Respondent

Final Decision : Partly Allowed

Judgement

K.K. Trivedi, J.—This writ petition was formally admitted on 13.1.2006. The main grievance of the petitioner is against the order of appointment of respondent No. 7, but it is seen from the record that when an appeal was filed by the petitioner against the said order before the Collector Khandwa, the same was dismissed holding that the Collector was having no jurisdiction to decide such an appeal. The petitioner preferred a revision against the said order before the Additional Commissioner Indore Division, Indore, and that too was dismissed on 31.8.2005, therefore, this writ petition is required to be filed.

2. Firstly, it has to be seen that the Scheme under which the appointment of Anganwadi Worker was to be made, contained the provisions of filing of an appeal against the order of the Project Officer before the Collector of the district concerned, who is a Mission Director as well. That being so, the Collector was not right in holding that since the appeal against the order of Project Officer is not provided under M.P. Panchayat (Appeal and Revision) Rules, 1995, no such appeal would lie before the Collector. In fact, the appeal itself is provided under the Scheme of the State Government and, therefore, the Collector was required to decide the same on merit. This particular aspect was again not considered by the Revisional Authority i.e. the Additional Commissioner Indore and summarily

the revision of the petitioner was dismissed on this count alone.

3. This being so, this writ petition is partly allowed. The order dated 21.2.2005 passed by the Collector Khandwa as also the order dated 31.8.2005 passed by the Additional Commissioner Indore Division Indore both are quashed. The matter is remitted back to the Collector Khandwa to decide the appeal of the petitioner afresh in terms of the Scheme made by the State Government on merits expeditiously, after granting an opportunity of hearing to all concerned.

4. The writ petition is allowed to the extent indicated herein above. There shall be no order as to costs.