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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3322 of 2008

PETITIONER : Santosh Kumar Dhritlahare S/o Shri Jagdish Prasad Dhritlahare, aged about 25 years, resident of village Bitkuli, Gram Panchayat Bitkuli, Block Bhatapara, District Raipur (CG).

VERSUS

RESPONDENTS : 1. State of Chhattisgarh through Secretary, Panchayat and Social Welfare Department, Mantralaya, DKS Bhawan, Raipur (CG).
2. The Director, Directorate of Panchayat and Social Welfare, Chhattisgarh, Raipur (CG).
3. The Collector (Panchayat Branch), Raipur (CG).
4. The Chief Executive Officer, Janpad Panchayat, Bhatapara, District Raipur (CG).
5. The Sarpanch, Gram Panchayat, Bitkuli, Block Bhatapara, District Raipur (CG).
6. Santosh Kumar S/o Sadh Ram Dhruv, Panchayat Karmi, Gram Panchayat Bitkuli, Janpad Panchayat Bhatapara, District Raipur (CG).

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Smt. Renu Kochar, Advocate for the petitioner.
Shri Ajay Dwivedi, Deputy Govt. Advocate for the State.

ORAL ORDER

(Passed on 30th day of June, 2008)

1. Learned counsel appearing for the petitioner submits that Gram Panchayat Bitkuli, Block Bhatapara, District Raipur (CG) resolved to recommend name of the respondent No. 6 for appointment on the post of Panchayat Karmi. Thereafter, according to learned counsel for the petitioner, the resolution was approved in the Gram Sabha. He further submits that merit was not considered, despite the fact, an order appointing the respondent No. 6, as Panchayat Karmi, was passed.



2. The petitioner has approached this Court directly ignoring the availability of alternative statutory remedy as provided under the provisions of Rule 3 of the M.P./C.G. (Appeal and Revision) Rules, 1995 (for short 'the Rules, 1995) read with section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam, 1993).
3. Thus, in the light of decision dated 24.04.2008, passed in the matter of Smt. Ram Bai Vs. State of Chhattisgarh and others (W.P.(S) No. 6031 of 2006), the High Court may entertain a petition only when a very strong case is made out for departure from statutory scheme.
4. In the present case, no exceptional circumstances exist wherein the High Court should make departure from the normal rule. Thus, this petition is dismissed as not maintainable on the ground of availability of alternative remedy. However, it is open to the petitioner to take recourse to statutory alternative forum that may be available to him under the provisions of law, if so advised. No order asto costs.

Sd/-
Satish K. Agnihotri
Judge

Sahu