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HIGH COURT OF CHHATTISGARH, BILASPUR

**CORAM : Hon'ble Shri Rajeev Gupta, C.J. &
Hon'ble Shri Sunil Kumar Sinha, J.**

Writ Appeal No. 128 of 2008

Smt. Chitrekha Sahu

Vs.

State of Chhattisgarh & Others

ORDER

For consideration

Sd/-
Sunil Kumar Sinha
Judge

HON'BLE SHRI JUSTICE RAJEEV GUPTA

I agree.

Sd/-
Chief Justice

Post for Order: 26/02/2010

Sd/-
Sunil Kumar Sinha
Judge



HIGH COURT OF CHHATTISGARH, BILASPUR

CORAM : **Hon'ble Shri Rajeev Gupta, C.J. &**
Hon'ble Shri Sunil Kumar Sinha, J.

Writ Appeal No. 128 of 2008

APPELANT
Petitioner

Smt. Chitrekha Sahu, W/o
Shri Rajendra Kumar, Aged
about 25 years, Occupation-
Aganbadi Worker of Village
Bamuradih, R/o Village
Bamuradih, Tehsil- Mungeli,
District- Bilaspur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh
Through it's Secretary
Department of Women and
Child Development, D.K.S.
Bhawan, Raipur (C.G.)
2. Director, Panchayat, Raipur
(C.G.)
3. Chief Executive Officer, Jila
Panchayat, Bilaspur (C.G.)
4. Chief Executive Officer,
Janpad Panchayat Pathariya,
District- Bilaspur (C.G.)
5. Additional Collector, District-
Bilaspur (C.G.)
6. Smt. Gulaba Bai, W/o Dinesh
Tiwari, Aged about 25 years,
R/o Village- Bamuradih,
Tehsil- Mungeli, District-
Bilaspur (C.G.)

**(Writ Appeal under Section 2(1) of the Chhattisgarh High
Court (Appeal to Division Bench), Act 2006)**

Appearance:

Mr. Vinay Pandey, Advocate for the appellant.

Mr. Kishore Bhaduri, Additional Advocate General for
respondents 1, 2 & 5.

Mr. Pankaj Shrivastava, Advocate for respondents 3 & 4.

Mr. Awadh Tripathi, Advocate for respondent No.6.

ORDER
(26.02.2010)

Following order of the Court was delivered by
Sunil Kumar Sinha, J.

(1) Being aggrieved with the order dated 28th of April, 2008 passed in W.P.(S) No. 2389/2008 by the learned Single Judge of this Court, the appellant/petitioner has filed this writ appeal.

(2) The facts, briefly stated, are as under:-

Appellant-Chitrekha Sahu was selected for appointment to the post of Aganbai Worker in village Bamuradih, Tehsil- Mungeli, District- Bilaspur vide select list dated 6.3.2007. Accordingly, she was given charge of the post of Aganbadi Worker on 12.3.2007. The appointment of the appellant was challenged by respondent No.6- Smt. Gulaba Bai in Panchayat Appeal No. 66 A-89 (15) 2006-2007 before the Additional Collector Bilaspur. The Additional Collector allowed the appeal filed by respondent No.6 vide order dated 11.10.2007 and set-aside the selection and order of appointment of the appellant. The appellant was not a party in the appeal before the Additional Collector. The appellant challenged the said order before the Director Panchayat by filing a revision. The aforesaid revision filed by the appellant was registered as Appeal Case No. 34/A-89 (15)/2007-2008. Among the others, the appellant took a definite plea that her selection and order of appointment were set-aside by the Additional Collector without affording any opportunity of being heard to her. Therefore, the said order, passed by the Additional Collector was bad in law.

The Director Panchayat dismissed the said revision confirming the order passed by the Additional Collector in

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Appeal No. 66 A-89 (15) 2006-2007. The appellant challenged the said orders before the learned Single Judge by filing the said writ petition. The learned Single Judge dismissed the writ petition by order dated 28th of April, 2008, which has been impugned in this writ appeal.

(3) Mr. Vinay Pandey, learned counsel appearing on behalf of the appellant/petitioner, argued that the selection and the appointment of the appellant was set-aside by the Additional Collector in Appeal Case No. 66 A-89 (15) 2006-2007 without affording any opportunity of hearing to the appellant, therefore, the order was bad in law. He also argued that this plea was taken before the Director Panchayat as also the learned Single Judge but the same was not taken into consideration and the order passed by the Additional Collector was confirmed.

(4) On the other hand, Mr. Kishore Bhaduri, learned Additional Advocate General, Mr. Pankaj Shrivastava, Advocate and Mr. Awadh Tripathi, Advocate appearing on behalf of respective respondents, opposed these arguments and supported the order passed by the learned Single Judge as also by the Revenue/Panchayat authorities.

(5) We have heard the learned counsel for the parties at length and have also perused the records of the writ appeal as well as writ petition.

(6) Admittedly, in the appeal filed by respondent No.6 before the Additional Collector, Bilaspur, the appellant was not made a

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party. Even the Additional Collector did not bother to give notice to the appellant for hearing of the appeal and ultimately the order dated 11.10.2007 (Annexure-P/1 in the writ petition) was passed. We further note that the plea of non-observance of the principles of natural justice was specifically taken by the appellant before the Director Panchayat which is clear from Para-4 of the order passed by the Director Panchayat, but the said authority did not consider the said plea and the order dated 7.4.2008 (Annexure-P/3 in the writ petition) was passed. We find that the learned Single Judge has also not taken into consideration the said aspect of the matter and the impugned order was passed confirming the orders passed by the above two authorities.

(7) The right of hearing is a valuable right to the litigant and no orders could have been passed without affording an opportunity of being heard to a litigant who is going to be effected by the said order. In the facts and circumstances of the present case, we find that there was a complete violation of the principles of natural justice as the appellant was not given any opportunity of hearing in the appeal filed by respondent No.6 before the Additional Collector. Even she was not made a party-respondent in the said case. The appellant had taken specific plea before the Director Panchayat in this regard, but no orders were passed on the plea taken by the appellant. The learned Single Judge also not considered the said point and the orders passed by the two authorities were wrongly confirmed.

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(8) For the foregoing reasons, we allow the appeal and set-aside the order passed by the learned Single Judge as also the orders passed by the Additional Collector & the Director Panchayat and remit the matter to the Additional Collector for deciding the Appeal No. 66 A-89 (15) 2006-2007 afresh after giving due opportunity of hearing to the appellant/petitioner by impleading her as party-respondent No.3 in the said appeal.

(9) The writ appeal filed by the appellant/petitioner is allowed to the extent indicated above.

(10) There shall be no order as to the cost.

**Sd/-
Chief Justice**

**Sd/-
Sunil Kumar Sinha
Judge**