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**IN THE HON. BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR**

WRIT APPEAL No. 143 Of 2013

C.A. 4007.

**APPELLANTS:-
(PETITIONERS)**

R.No. ...
Presented by Shri A.K. Yadav
dated ... 25-02-13

1. Anand Das Baghel S/o
Pandey Ram Baghel, aged about
32 years, Currently posted as
Secretary Watershed Committee
At Batch, IWMP-1 Sakri Nadi Part-3
Gram Panchayat-Harinchhapra
Janpad Panchayat-Bodla, P.S.-
kawardha, District- Kabirdham, C.G.
2. Askaran Ram Patel S/o Shri Kaatik
Ram Patel, aged about 40 years,
Currently posted as Secretary Water
shed Committee At Batch, IWMP-1,
Sakri Nadi Part - 3, Gram Panchayat -
Maharajpur, Janpad Panchayat - Bodla
, P.S.- kawardha, District-Kabirdham,
C.G.
3. Shailendra Kumar Keshri S/o
Shri Shankar Lal Keshri, aged about 30
years, Currently posted as Secretary
Watershed Committee At Batch, IWMP-
4 Sakri Nadi Part - 3, Gram Panchayat -
Dasranpur, Janpad Panchayat & P.S. -
Kawardha, District-Kabirdham, C.G.
4. Sanjeev Kumar S/o Shri Dhnuva Ram,
aged about 26 years, Currently posted
as Secretary Watershed Committee,
At Batch, IWMP-2 Agar Nadi Project,
Gram Panchayat -Jhingradongry, Janpad
Panchayat & P.S. - Pandriya
District-Kabirdham, C.G.



VERSUS

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RESPONDENTS:

1. State of Chhattisgarh, Through Secretary of Department of Panchayat and Rural Development, D.K.S. Bhawan Raipur (C.G.).
2. Collector Kabirdham Cum President WCDC, Kabirdham District - Kabirdham (C.G.).
3. Chief Executive Officer Zila Panchayat -Kabirdham, District-Kabirdham (C.G.)
4. Project Officer, Integrated Water Shed Management Programmme (IWMP), District -Kabirdham (C.G.).
5. Union of India Through Secretary, National Rain Faded Area Agency, New Delhi.
6. Dani Ram Kashyap S/o Shri Dhur Singh Kashyap , aged about 38 years, Currently posted as Secretary Watershed Committee At Batch, IWMP-4 Sakri Nadi Part - 3, Gram Panchayat -Bahrmuda ,Janpad Panchayat & P.S. - Kawardha District-Kabirdham, C.G.
7. Vinod Kumar Chandrakar S/o Shri Sada Ram Chandrakar, aged about 30 years, Currently posted as Secretary Watershed Committee At Batch, IWMP-2 Agar Nadi Project, Gram Panchayat -Pusera ,Janpad Panchayat & P.S. - Pandriya District-Kabirdham, C.G.

A (Peleton or no 4)



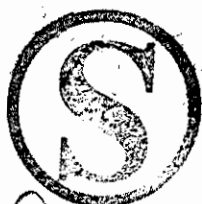
B (Peleton or no 5)

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WRIT APPEAL UNDER SECTION 2(1) OF THE
CHHATTISGARH HIGH COURT (APPEAL TO DIVISION
BENCH) ACT, 2006



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HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI YATINDRA SINGH, C.J.
HON'BLE SHRI PRITINKER DIWAKER, J

1 Writ Appeal No. 59 of 2013

**Appellants/
Petitioners**

: Shankar Lal Khatri & Others.

VERSUS

Respondents

: State of Chhattisgarh and Others.

2 Writ Appeal No. 60 of 2013

**Appellants/
Petitioners**

: Subodh Tiwari & Others.

VERSUS

Respondents

: State of Chhattisgarh and Others.

3 Writ Appeal No. 123 of 2013

**Appellants/
Petitioners**

: Swatantra Kumar Sharma and Others.

VERSUS

Respondents

: State of Chhattisgarh and Others.

4 Writ Appeal No. 124 of 2013

**Appellants/
Petitioners**

: Ram Kumar Meravi and Another.

VERSUS

Respondents

: State of Chhattisgarh and Others.

5 Writ Appeal No. 125 of 2013

**Appellant/
Petitioner**

: Naresh Kumar

VERSUS

Respondents

: State of Chhattisgarh and Others.

6 Writ Appeal No. 143 of 2013

**Appellants/
Petitioners**

: Anand Das Baghel and Others.

VERSUS

Respondents

: State of Chhattisgarh and Others.

7 Writ Appeal No. 144 of 2013

**Appellants/
Petitioners**

: Chatur Ram Chandravanshi and Others.

VERSUS

Respondents

: State of Chhattisgarh and Others.

8 Writ Appeal No. 154 of 2013

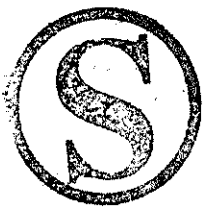
**Appellants/
Petitioners**

: Dhani Ram Chandrakar and Another

VERSUS

Respondents

: State of Chhattisgarh and Others.

**9 Writ Appeal No. 61 of 2013****Appellants/
Petitioners**

: Rajendra Shah Mandavi and Others.

VERSUS**Respondents**

: State of Chhattisgarh and Others.

10 Writ Appeal No. 62 of 2013**Appellant/
Petitioner**

: Laxmi Narayan Singh

VERSUS**Respondents**

: State of Chhattisgarh and Others.

11 Writ Appeal No. 155 of 2013**Appellants/
Petitioners**

: Tek Singh and Others.

VERSUS**Respondents**

: State of Chhattisgarh and Others.

12 Writ Appeal No. 190 of 2013**Appellants/
Petitioners**

: Basant Kumar and Others.

VERSUS**Respondents**

: State of Chhattisgarh and Others.

13 Writ Appeal No. 247 of 2013**Appellants/
Petitioners**

: Vinod Kumar Kashyap

VERSUS**Respondents**

: State of Chhattisgarh and Others.

14 Writ Appeal No. 248 of 2013**Appellants/
Petitioners**

: Naveen Lal Yadav and Others.

VERSUS**Respondents**

: State of Chhattisgarh and Others.

15 Writ Appeal No. 181 of 2013**Appellants/
Petitioners**

: Ram Shankar Sahu and Others.

VERSUS**Respondents**

: State of Chhattisgarh and Others.

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

Shri Vinay Pandey, Shri AK Yadav, and Shri Ajay Shrivastava, counsel for the Appellants.
Shri Kishore Bhaduri, Additional Advocate General for the State/Respondents.
Shri Vivek Shrivastava and Shri HS Ahluwalia, counsel for the Union of India/ Respondents



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JUDGEMENT
(30th April, 2013)

1. These writ appeals are against the order of the single judge dated 16.01.2013 dismissing the writ petitions challenging the letter Nos-1702 and 1708 dated 21.02.2012 addressed to different Collectors, especially the paragraph 4 of the letters as well as the educational qualifications mentioned in Appendix-1 appended to the letters for the post of member (group development) of Watershed Development Team (the WDT) and secretary of the micro-watersheds.

THE FACTS

2. In the year 1994, the Government of India constituted Hanumant Rao Committee to consider the reasons for drought affected area and to bring improvement.

3. In pursuance of the report of Hanumant Rao Committee, different schemes were started for preservation of water sheds and water holes. There were some short-comings in the schemes and improvements were made in the same.

4. In order to implement the scheme, the WDTs were constituted in different villages. Appointments of members to WDT and secretary of the micro-watersheds were also made on contractual basis on fixed honararium.

5. There was no educational qualification for appointments of the members or the secretaries but they were required to be residents of the same village considering that such a person would have the best knowledge about the watersheds and waterholes.

6. The Appellants in these writ appeals were appointed as the members as well as the secretaries on the contractual basis on fixed honorarium.

7. In the year 2008, the Government of India came up with a detailed programme known as Integrated Watershed Management Programme (the IWMP) and had also issued the guidelines for the same (the Guidelines). The Guidelines of the IWMP provided qualifications for the members of the WDT as well as the secretaries of the micro-watersheds.



8. In pursuance of the Guidelines, the State Government issued a letter No.1702 dated 21.02.2012 sanctioning posts for the members of the WDT. Paragraph 4 of the letter indicated that on the fresh appointment, the appointments of the earlier appointed persons on contractual basis on the fixed honorarium will automatically come to an end.

9. Appendix-1 appended to the letter No-1702 provide the minimum qualifications for members (group development) of the WDT. This is the post over which the members were earlier appointed. The minimum qualification for the same is MBA in Rural Management/ Development or Master of Social Work (MSW) along with one year experience in different fields. Earlier, this educational qualification was not there and as such many members appointed earlier do not have this qualification and cannot be now considered for appointments.

10. The Appellants, who were earlier members of the WDT, filed writ petitions challenging paragraph 4 of letter No-1702 dated 21.02.2012 as well as educational qualification prescribed under Appendix-1 to the letter.

11. The State Government by another letter No-1708, dated 21.02.2012 sanctioned posts of the secretary in the micro watersheds under IWMP. Paragraph 4 of this letter also states that as soon as the secretaries are appointed, the appointments of the persons who were already appointed on the post of secretary on contractual basis on fixed honorarium will automatically come to an end.

12. Appendix-1 to the letter number 1708 dated 21.02.2012 provides the qualifications of the secretaries as 12th pass with preference to the resident of village/ village panchayat in the area of micro watershed and having experience in watershed area management. Earlier, educational qualification of 12th was not there and many secretaries are not 12th pass.

13. The persons, who were earlier appointed as secretaries filed writ petitions challenging paragraph 4 of the letter number 1708 dated 21.02.2012 as well as educational qualification prescribed under Appendix-1.



14. The writ petitions have been dismissed by the common order dated 16.01.2013. Hence, the present writ appeals.

THE DECISION

15. We have heard the counsel for the parties. The counsel for the State submits that:

- The Appellants were appointed as members or secretaries on contractual basis on fixed honorarium and their contract was renewed from time to time;
- They do not have any legal right to continue on the post;
- The writ petition was rightly dismissed by the single judge.

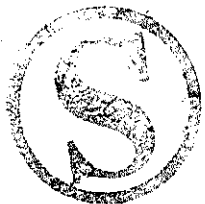
16. It is correct that the Appellants were appointed on contractual basis and they may not have legal right to continue on the post but this is not end of the matter. The Guidelines do provide some relief to them.

Members of the WDT

17. The IWMP was earlier sponsored by the Government of India. The State was implementing agency. To a large extent, it is still sponsored by Government of India that has issued the Guidelines providing minimum qualifications for appointment. The State Government is bound to follow the Guidelines. Let us consider if any relief is provided to them under the Guidelines.

18. The minimum qualifications for the member (development group) provided in paragraph 40 of the Guidelines. It is MBA in Rural Management/ Development or Master of Social Work with experience in different fields. It is related to the work that is to be performed by the members and as such they cannot be faulted.

19. The minimum qualification provided for member (development group) in the Appendix-1 of letter Nos-1702, dated 21.02.2012 is same as provided in the Guidelines but paragraph 40 of the Guidelines also provide that the District Watershed Development Unit may grant relaxation in educational qualification on the recommendation of the State Level Nodal Agency, considering the practical experience of region of the candidate.



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20. The persons who were already working as members of the WDT have been working for many years and they do have practical experience of the region. Considering this aspect, the relevant authority may consider relaxing educational qualifications for them. This may be considered in accordance with law, at the time of making appointments.

Secretary of the Micro Watersheds

21. The appointment of the secretary has been mentioned in paragraph 46 of the Guidelines. In this paragraph no educational qualification has been mentioned. However, the State Government has mentioned the minimum qualification to be 12th class pass. Considering the nature of the work to be performed, the State Government has prescribed the minimum qualification to be 12th class pass. It is not unreasonable or arbitrary and it cannot be faulted though it may be reconsidered for the people have been working for a long time.

22. Paragraph 46 of the Guidelines further provides that the selection will be done according to ability as well as experience. The qualifications in Appendix-1 to letter number 1708 dated 21.02.2012 incorporates it by providing preference to the persons in the village/ village panchayat having experience in management watershed area.

23. The secretaries who were earlier appointed have experience in the relevant field. This aspect may be considered at the time of appointments and they may be given preference in appointments in accordance with law, if they fulfill other criteria.

24. With the aforesaid observations, the writ appeals are disposed of.

Sd/-
Chief Justice

Sd/-
Pritinker Diwaker
Judge

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