



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1632 of 2018

1 - Menka Banjare D/o D/o Shri Jaitram Banjare Aged About 25 Years Earlier Posted As Lecturer (Panchayat), At Government Higher Secondary School Katahardi, Raigarh, R/o Village Kotra, Tahsil And District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

2 - Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

3 - Komal Soot D/o D/o Balram Soot R/o Forest Depot (Kastagar) Raigarh Road, Dharamjaigarh Tahsil Dharamjaigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

--- Respondent(s)

(Cause Title is taken from Case Information System)

For Petitioners	: Mr. Jitendra Pali, Advocate.
For Respondent/State	: Mr. Anil S. Pandey, G.A.
For Respondent No.2	: Mr. Sandeep Dubey, Advocate alongwith Ms. Pragati Kaushik, Advocate.
For Respondent No.5	: Mr. A.N. Bhakta, Advocate alongwith Mr. Vivek Bhakta, Advocate.

**Hon'ble Shri Justice Rakesh Mohan Pandey****Order on Board****18.03.2026**

1. The petitioner has filed this petition seeking the following reliefs:

“10.1 That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 30.01.2018 (P/1) issued by the CEO, Zila Panchayat Raigarh;

10.2 The Hon'ble Court may kindly grant any other writ/ writs, order/ orders, relief reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. Learned counsel for the petitioner would submit that pursuant to advertisement for the post of Lecturer (Panchayat) dated 22.7.2017, the petitioner was appointed to the post of Lecturer (Chemistry) vide order dated 4.12.2017 under respondent No.2. He would contend that the petitioner joined the services on 8.12.2017. He would submit that respondent No.2 vide order dated 30.1.2018 cancelled the appointment of the petitioner with immediate effect. He would submit that such decision was taken pursuant to a decision taken by the Selection Committee, Zilla Panchayat, Raigarh dated 16.1.2018. It is also submitted that respondent No.2 failed to grant an opportunity of hearing to the petitioner. He would further submit that no show-cause notice was served, no charge-sheet was issued and no enquiry was conducted before imposing a major penalty. He would submit that the petitioner was appointed pursuant to the Recruitment Rules and his services could have been terminated strictly in accordance with law. He would pray to set aside the impugned order.



3. On the other hand, learned counsel appearing for respondent No.3 would oppose. He would submit that respondent No.3 was more meritorious than the petitioner, therefore, the appointment of the petitioner was cancelled and respondent No.3 was offered appointment to the post of Lecturer (Chemistry). It is also contended that respondent No.3 is still working on the said post.
4. Learned counsel for respondent No.2 would submit that a decision was taken by respondent No.2 pursuant to the resolution of the Selection Committee, Zilla Panchayat. He would submit that sufficient opportunity was afforded to the petitioner and the petition deserves to be dismissed.
5. Learned State counsel would support the contention made by counsel for respondent No.2.
6. I have heard learned counsel for the parties and perused the documents present on record.
7. A perusal of the order Annexure-P/1 dated 30.1.2018 would reveal that the decision to cancel the appointment of the petitioner was taken by the Chief Executive Officer, Zilla Panchayat, Raigarh without conducting any enquiry and without affording any opportunity of hearing to the petitioner. Since the petitioner was appointed in accordance with the Recruitment Rules, respondent No.2 was under an obligation to act strictly in accordance with the said rules. Any deviation therefrom is illegal and bad in law. Accordingly, Annexure-P/1 dated 30.1.2018 is hereby set aside. The matter is remitted back to respondent No.2 to take a fresh decision strictly in accordance with law after affording due opportunity of hearing to the petitioner. As the



impugned order was passed on 30.1.2018, respondent No.2 is directed to complete the entire exercise within a period of six months from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of.

Sd/-
(Rakesh Mohan Pandey)
Judge

Nimmi