



2026:CGHC:10575

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 2595 of 2023

1. Anuruddh Kumar Ahirwar S/o Shri Vikai Ahirwar Aged About 34 Years R/o Gram Panchayat Godhora, Janpad Panchayat Bharatpur District Korla Chhattisgarh
 2. Anil Kumar Yadav S/o Shri Ramnarayan Yadav Aged About 34 Years R/o Gram Panchayat, Bharatpur, Janpad Panchayat Bharatpur, District Korla Chhattisgarh
 3. Dara Singh S/o Shri Amarjit Singh Aged About 37 Years R/o Gram Panchayat Koeilara, Janpad Panchayat, Bharatpur, District Korla Chhattisgarh.
- Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Agriculture Development And Farmers Welfare And Biotechnology Mantralaya, Mahanadi Bhawan, Nawa Raipur District Raipur Chhattisgarh
 2. Under Secretary Department Of Agriculture Development And Farmers Welfare And Biotechnology Mantralaya Mahanadi Bhawan, Nawa Raipur District Raipur Chhattisgarh
 3. Collector Korla District Korla Chhattisgarh
 4. Chief Executive Officer Zila Panchayat Korla District Korla Chhattisgarh
 5. Deputy Director Agriculture Cum Project Manager, (W C D C) District Korla Chhattisgarh.
- Respondents**

24.04.2023	Mr. Rahul Sharma, counsel for the petitioners. Ms. Sunita Jain, Government Advocate for the State.



The Department of Agriculture Development and Farmers Welfare & Biotechnology Ministry, Mahanadi Bhawan, Nawa Raipur, District Raipur has issued a communication dated 28.09.2022 to the Chief Executive Officer, Chhattisgarh State Watershed Management Agency, Indira Gandhi Agriculture University Premises, Raipur, whereby in clause-1, it is stated that for appointment on the post of Watershed Secretary the required minimum education qualification would be 12th pass and the candidate must be a resident of the village included in the Watershed Area or village panchayat. In pursuance of the above communication, an advertisement has been issued on 02.03.2023 by the Office of Deputy Director Agriculture, District Koriya Baikunthpur.

Learned counsel for the petitioners would submit that the condition stated in clause-1 of the communication dated 28.09.2022 is in breach of Article 15 & 16 (2) of the Constitution of India.

On the other hand, learned State counsel would submit that according to the guidelines for New Generation Watershed Development 2595 Project, resident of village included in Watershed area has to be given preference. She has specifically pointed out that the Gram Sabha will select the suitable qualified candidate preferably a local resource person to serve the post of Watershed Secretary.



I have heard learned counsel for the parties and perused the documents.

The **Article 15** and **16(2)** of the **Constitution of India** which is reproduced hereinbelow:-

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.--(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to
(a) access to shops, public restaurants, hotels and palaces of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public

(3) Nothing in this article shall prevent the State from making any special provision for women and children

(4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

16. Equality of opportunity in matters of public employment.-- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect



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or, any employment or office under the State.”

Taking into consideration the provisions contemplated in Article 15 and 16 (2) of the Constitution of India, it appears that clause 1 of the communication dated 28.09.2022 is in contravention with the provisions of Article 15 and 16 (2) of the Constitution of India and in pursuance of such communication, no appointment can be made, consequently, there shall be no appointment on the post of Watershed Secretary pursuant to advertisement dated 02.03.2023, till then next date of hearing.

At the request of Ms. Sunita Jain, post this matter on **10.05.2023** for final disposal at the motion stage hearing.

**Sd/-
(Rakesh Mohan Pandey)
Judge**

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