



2026:CGHC:10575



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2595 of 2023

Order Reserved on: 5.1.2026

Order Delivered on: 28.2.2026

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.

... Petitioner(s)

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.

... Respondent(s)

For Petitioner(s)	:	Mr. Rohit Sharma, Advocate.
For Respondent(s)/State	:	Mr. Sangharsh Pandey, Government Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authority to quash/set-aside the condition of clause-1 of the selection process for the post of Watershed Secretary at 45 WDC-PMKSY 2.0 project vide order dated 28.09.2022 issued by the Under Secretary, Department of Agriculture Raipur. (ANNEXURE P/1).

10.2 That this Hon'ble court may please to hold the impugned para in clause-I



"1. न्यूनतम शैक्षणिक अहर्ता व चयन हेतु मेरिट अंक का निर्धारण:- सचिव

माइक्रो बाटरशेड की शैक्षणिक योग्यता/अनुभव का विवरण निम्नानुसार है:-

न्यूनतम अहर्ता	चयन हेतु मेरिट अंक	
12 वीं पास माइक्रो वाटरशेड क्षेत्र में सम्मिलित ग्राम/ग्राम पंचायत का निवासी एवं कंप्यूटर में अनुभव को प्राथमिकता दी जाएगी	न्यूनतम शैक्षणिक योग्यता में प्राप्त प्रतिशत पर 100 अंक का देते हुए न्यूनतम 1 से 2 वर्ष का अनुभव	85
	5 वर्ष तक का अनुभव	5
	5 वर्ष से अधिक का अनुभव	10
		15

being violative of article 14 & 16 is arbitrary and capricious and unconstitutional.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authority to consider the experience of the petitioner and grant preference in appointment.

10.3 That, the Hon'ble Court may grant any other writ/ writs, order/orders, relief reliefs in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioners."



2. Brief facts of the case, is that, petitioner Nos. 1, 2 and 3 were appointed on a contractual basis as Micro Watershed Secretaries under the Integrated Watershed Management Programme, namely IWMP-IX Godhora, Koeilara and IWMP-IV Bharatpur, Bharatpur, District Korla, pursuant to the order dated 28.12.2012 issued by the Chief Executive Officer-cum-Deputy Project Manager, WDC, Zila Panchayat Korla, District Korla (C.G.). Thereafter, vide order dated 28.09.2022, the Under Secretary, Agriculture Development and Farmers Welfare and Biotechnology Department, Raipur, addressed a communication to the Chief Executive Officer, Chhattisgarh State Watershed Management Agency, Raipur, approving a total of 387 contractual posts of Watershed Secretary for 45 projects under WDC-PMKSY 2.0 in the State of Chhattisgarh, as approved by the Department of Land Resources, New Delhi and wherein norms and conditions for the selection process were also prescribe. On the basis of the said communication dated 28.09.2022, the Deputy Director Agriculture-cum-Project Manager (WDC), District Korla (C.G.), issued an advertisement dated 02.03.2023. Pursuant to which the petitioners duly submitted their applications on 13.03.2023 and 14.03.2023 for the post of Micro Watershed Secretary under the WDC-PMKSY 2.0 Project, Bharatpur, District Manendragarh-Chirmiri-Bharatpur (C.G.). The grievance of the petitioners are with regard to Clause-1 of the selection process, which, while prescribing the minimum educational qualification as 12th pass.



Further, provides preference to candidates who are residents of the village/Gram Panchayat near the watershed project, thereby conferring undue advantage upon candidates belonging to the Gram Panchayat where the projects are situated and excluding the petitioners, who are not residents of such Gram Panchayats, from equal consideration, that such a preference, particularly when 18 projects are approved across 8 Blocks and confined to specific Gram Panchayats, results in hostile discrimination, denies equal opportunity to similarly situated candidates, and renders the selection process arbitrary and unfair, that the impugned condition is violative of the principle of equal opportunity and infringes Articles 14 and 16 of the Constitution of India, inasmuch as identical candidates are treated unequally without any reasonable or imperative basis. The petitioners have been continuously working for more than seven years on a contractual basis under IWMP-IX and IWMP-IV and possess substantial experience in similar watershed projects undertaken by the respondent authority, yet their experience and livelihood are being disregarded solely on the ground of residence and that it is a settled position of law that any recruitment exercise must conform to the constitutional mandate, and the imposition of a residence-based preference without statutory backing is unconstitutional, violative of Article 16 of the Constitution of India, and liable to be read down to that extent. Hence, this petition.



3. Learned counsel for the petitioner submits that the impugned condition is violative of Articles 14 and 16 of the Constitution of India, as it introduces an unreasonable and impermissible classification. He further contends that the stipulation requiring the concerned person to be a resident of the particular village is de hors the constitutional mandate governing equality and equal opportunity in public employment, and therefore cannot be sustained in law. Such a condition, it is urged, is arbitrary, discriminatory, and lacking any rational nexus with the object sought to be achieved, thereby offending the constitutional guarantees enshrined under the aforesaid provisions. It is further submitted that the eligibility ought to be open to all aspirants, irrespective of their place of residence, and that imposing a residence-based restriction not only unjustly excludes otherwise eligible candidates but also adversely affects the petitioners and similarly situated employees, rendering the condition unconstitutional and liable to be struck down. He has placed reliance upon the judgment passed by the Hon'ble Supreme Court in the matters of **Manish Gupta vs. President Jan Bhagidari Samiti & Others** passed on **21.4.2022** and **Manju Gupta and others vs. State of C.G. & Others** passed on **27.2.2017**.
4. On the other hand, the learned counsel appearing for the respondent/State submits that the prescription of eligibility conditions squarely falls within the exclusive domain of the recruiting authority, which is the best judge of the qualifications



and requirements necessary for the effective discharge of a particular work. It is further contended that the eligibility criteria and other conditions of service are framed strictly in consonance with the nature and exigencies of the work sought to be executed. In the present case, the work pertains to the Integrated Watershed Management Programme, which is required to be implemented at the Gram Panchayat level and entails continuous monitoring, close supervision, and regular on-site presence of the concerned employee. Having regard to the nature of such duties, preference has been accorded to residents of the concerned village/Gram Panchayat where the project is to be executed, so as to ensure effective implementation and accountability. It is emphatically submitted that such preference does not amount to any form of discrimination nor does it infringe any constitutional or legal right of the petitioners, as alleged. Since only a preference has been provided and no absolute bar has been imposed, the action of the respondents is reasonable, justified, and in public interest; consequently, the petition is devoid of merit and is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the material available on record.
6. From a bare perusal of the record, it clearly emerges that for the post of Secretary, Microwatershed, the prescribed eligibility criterion is that the candidate must be at least 12th pass, with preference to be accorded to candidates possessing computer



experience. It is further stipulated that preference shall be given to residents of the village or Gram Panchayat where the concerned microwatershed is to be developed. A conjoint reading of the advertisement and an appreciation of the nature of duties attached to the post make it evident that local residents are better suited to discharge such functions, as they are familiar with the villages and Panchayat institutions and are therefore in a position to effectively supervise, coordinate, and monitor the work at the grassroots level. It is well settled that the framing of eligibility conditions and criteria for appointment lies exclusively within the domain of the employer, who is entitled to prescribe such qualifications and preferences as are necessitated by the requirements of the post. Such conditions cannot be dictated by the convenience or choice of the recruit, nor can a candidate claim that the criteria should be tailored to be favourable to him or her. The stipulation granting preference to local residents is founded on a rational basis having a direct nexus with the object sought to be achieved and, therefore, does not amount to any violation of Articles 14 and 16 of the Constitution of India.

7. Accordingly, the petition being devoid of merits is liable to be and accordingly **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge

The date when	The date when	The date when the judgment is
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the judgment is reserved	the judgment is pronounced	uploaded on the website	
		Operative	Full
5.1.2026	28.2.2026	-	28.2.2026

Raghu Jat