



2026:CGHC:18071

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3447 of 2026**

1 - Manish Jain S/o Late Shri Harish Chandra Jain Aged About 56 Years
Occupation- Assistant Grade- Iii, At Janpad Panchayat Nawagarh, Block-
Nawagarh, Tahsil- Nawagarh, District- Bemetara (C.G.)

--- **Petitioner(s)****versus**

1 - State Of Chhattisgarh Through The Secretary, Panchayat And Rural
Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur,
District Raipur (C.G.)

2 - The Collector- Cum Chief Census Officer Bemetara District- Bemetara
(C.G.)

3 - The Chief Executive Officer Zilla Panchayat Bemetara District- Bemetara
(C.G.)

4 - The Chief Executive Officer Janpad Panchayat Nawagarh, District-
Bemetara (C.G.)

--- **Respondent(s)**

For Petitioner : Mr. J.N. Nande, Advocate

For Respondent-State : Mr. Vivek Verma, Govt. Advocate

SB: Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****21/04/2026**

1. Petitioner has filed this petition seeking following relief (s) :-

"10. That, the Hon'ble Court may kindly be pleased to
issue a writ of mandamus and quash the impugned
attachment order dated 09/04/2026 (Annexure P-1)
issued by the Office of the Collector cum-Chief Census
Officer Bemetara, District Bemetara, in the interest of
justice.

10.2 That, the Hon'ble Court may kindly be pleased to
issue a writ of mandamus and directing the respondent



No.2 to reinstate the petitioner to his original place of service i.e. Janpad Panchayat Nawagarh District Bemetara, for furtherance of justice.

10.3 Any other relief/relief's which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case with cost of the petition may also please be granted to the petitioner, in the interest of justice"

2. Learned counsel for petitioner submits that petitioner has been arbitrarily attached to the office of Collector (Census Section) while working on the post of Assistant Grade-III in the office of Janpad Panchayat, Nawagarh, District Bemetara. He contended that posting of petitioner from office of Janpad Panchayat, Nawagarh to office of Collector, Bemetara (Census Section) is with oblique motive. Petitioner has earlier filed writ petition bearing WPS No.780 of 2026 because after cancellation of order of transfer, petitioner was not allotted any work though was permitted to join the place of service. He contended that in the aforementioned facts of the case, the order Annexure P-1 dated 09.04.2026 be interdicted.
3. Learned State counsel would submit that submission of learned counsel for petitioner that petitioner is attached from office of Janpad Panchayat, Nawagarh District Bemetara to office of Collector is not correct. Petitioner is deputed in census work, which is a special work governing by the Census Act, 1948 (In short 'the Act, 1948'). Referring to first para of order impugned, he submits that pursuant to the directive issued by the Central Government, census work is to be started in State of Chhattisgarh for period from 01.05.2026 to 30.05.2026 in first phase. He submits that under the provisions of Act, 1948, petitioner has been deputed in the census work, which is to be



completed/finalized in the office of the District Collector (Census Section), therefore, there is no merit in this writ petition.

4. I have heard learned counsel for parties.
5. Order, subject matter of challenge would show that the order has been passed by the Additional District Census Officer, District Bemetara deputing two Assistant Grade-III of the office of Janpad Panchayat, Nawagarh, District – Bemetara including petitioner in the office of the Collector (Census Section), Bemetara specifying that they were engaged for census work. Order also mentions that this step has been taken pursuant to the directives and order issued by the Government of India, Home Department, Census Work Directorate.
6. Section 3 of the Act, 1948 provides for Central Government to take census work. Section 4 deals with appointment of census staff. Section 7 of the Act 1948 deals with power to call upon certain persons to give assistance. Section 7 of the Act, 1948 is relevant in the facts of the case, therefore, it is extracted below for ready reference :-

“7. Power to call upon certain persons to give assistance. -- The District Magistrate, or such authority as the State Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon –

- (a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,
- (b) all members of the district, municipal, panchayat and other local authorities and officers and servants of such authorities, and



(c) all officers and members of staff of any factory, firm or establishment,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the premises of factories, firms and other establishments, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code. ”

7. Perusal of the extracted portion of Section 7 of the Act, 1948 would show that the District Magistrate, or such authority as the State Government may appoint in this behalf for any area by written order throughout the extent of his district or of such local area, as the case may be, call upon – all members of the district, municipal, panchayat and other local authorities and officers and servants of such authorities to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers etc. and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants. The provision under the Act, 1948 is very clear that members of the district, municipal, panchayat and other local authorities and officers can be deputed to give such assistance.



8. In the case at hand, petitioner has been deputed by Additional District Census Officer, District Bemetara in the census work, therefore, submission of learned counsel for petitioner that petitioner has been attached from Janpad Panchayat, Nawagarh to office of Collector is not sustainable and accordingly it is repelled.
9. For the foregoing discussions I do not find any merit in this petition accordingly, it is dismissed.
10. At this stage, learned counsel for petitioner submits that he may be permitted to pursue his representation. Petitioner will be at liberty to pursue his representation.

Sd/-
(Parth Prateem Sahu)
Judge

Balram