



2026:CGHC:18934



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3585 of 2026**

- Santoshi Mahant W/o Shri Krishna Das Mahant, Aged About 49 Years R/o Village-Deragarh, Post Dumarpara, Tehsil-New Baradwar, District Sakti (C.G.)

... Petitioners**versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Women And Child Development, Mantralaya Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (C.G.)
2. Project Officer, Integrated Child Development Scheme, Sakti, District Sakti (C.G.)
3. The Chairman, Evaluation Cum Selection Committee, Janpad Panchayat, Sakti, District Sakti (C.G.)
4. District Programme Officer, Women And Child Development, Sakti, District Sakti (C.G.)
5. Budhiyarini Bai W/o Hetram, Aged About 44 Years Village Deragarh, Tehsil-New Baradwar, District Sakti (C.G.)

... Respondents

For Petitioner	:	Mr. Ashish Beck, Advocate
For State	:	Mr. Suyashdhar Badgaiya, Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**Order on Board****24.04.2026**

1. Petitioner has filed this writ petition challenging the order passed by the Collector in an appeal dated 06.04.2026. According to the guidelines issued by the State Government for appointment of Anganwadi workers it is provided that the appeal and revision will be governed as



per the provisions of the appeal and revisions under the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

2. Learned counsel for petitioner submits that he is not disputing the fact that the appeal and revision rules under Panchayat Raj Adhiniyam would apply and against the order of Collector the remedy is to file revision before the Commissioner, but this writ petition is filed on the ground that Collector has considered the ground for dismissing the appeal which is not a part of the advertisement. He next contended that petitioner was though permitted to make his submission on the appeal, however, written submission submitted was not considered, as not forming part of the order.
3. I have heard learned counsel for the parties and perused the documents available on record.
4. The ground which is raised by the counsel for petitioner is to bypass the alternate efficacious remedy of revision cannot be treated to be one of the exceptions to entertain this writ petition. It is not a case that petitioner was not heard by the authority before passing the final order and further that the order which is under challenge is passed by the authority having no jurisdiction under the law to entertain appeal.
5. Entertaining the writ petition under Article 226 of the Constitution of India in view of the efficacious alternate remedy is only in exceptional circumstances as observed by Hon'ble Supreme Court in the matter of ***Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai and others*** [(1998) 8 SCC 1], wherein Hon'ble Supreme Court has carved out four exceptions under which writ petition can be maintainable even



if alternate remedy of revision or appeal is available. The said exceptions carved out are extracted below for ready reference:

- “(i) where the writ petition seeks enforcement of any of the fundamental rights;
- (ii) where there is violation of principles of natural justice;
- (iii) where the order or the proceedings are wholly without jurisdiction; or
- (iv) where the vires of an Act is challenged.”

6. Recently, Hon’ble Supreme Court in the case of **Assistant Commissioner of Sales Tax & others vs. Commercial Steel Limited** [(2021) SCC OnLine SC 884, following the decision in the case of ***Whirlpool Corporation (supra)*** has observed thus:

“11. The respondent had a statutory remedy under section 107. Instead of availing of the remedy, the respondent instituted a petition under Article 226. The existence of an alternate remedy is not an absolute bar to the maintainability of a writ petition under Article 226 of the Constitution. But a writ petition can be entertained in exceptional circumstances where there is:

- (i) *a breach of fundamental rights;*
- (ii) *a violation of the principles of natural justice;*
- (iii) *an excess of jurisdiction; or*
- (iv) *a challenge to the vires of the statutes or delegated legislation.”*

7. In above case, Hon’ble Supreme Court has set aside the order of High Court on the ground that petition was entertained bypassing the alternate remedy. No exceptional facts or circumstances as observed by Hon’ble Supreme Court in the aforesaid decisions for entertaining the writ petition bypassing the alternate efficacious statutory remedy available is made out and therefore, I am not inclined to entertain this writ petition as the petitioner is having alternate remedy of appeal or revision under Rule 5 of the Chhattisgarh Panchayat Raj (Appeal and Revision) Rules, 1995. Accordingly the writ petition is dismissed.



However, petitioner will be at liberty to avail the alternate remedy available to him under the law.

8. At this stage, learned counsel for petitioner submits that the certified copy of the documents placed on record along with writ petition be directed to return back to him.
9. In view of submission of counsel for petitioner, Registry is directed to return back certified copy of the documents placed along with writ petition after retaining photocopy of the same in record.

Sd/-

(Parth Prateem Sahu)
Judge