



2026:CGHC:10579



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4517 of 2023

Order Reserved on: 27.1.2026

Order Delivered on: 28.2.2026

- Poonam Clara Ekka D/o. James Ekka, Aged About 39 Years
Caste - Uraon, R/o. Village -Kandari, Tehsil- Samri (Kusmi),
District - Balrampur, Ramanujganj, Chhattisgarh.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District - Raipur, Chhattisgarh.
2. Commissioner, Sarguja Division Ambikapur, District - Sarguja, Chhattisgarh.
3. Collector Balrampur, District - Balrampur, Ramanujganj, Chhattisgarh.
4. Chief Executive Officer Janpath Panchayat Kusmi, District - Balrampur, Ramanujganj, Chhattisgarh.



5. Satwanti, W/o. Basnat Ram, Caste - Cherwa, R/o. Village
Kandari, Tehsil Samri (Kusmi), District - Balrampur, Ramanujganj,
Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Shakti Raj Sinha, Advocate.
For Respondent(s)/State	:	Ms. Dipeshwari Mahilwar, Panel Lawyer.
For Respondent No. 5	:	Ms. Akansha Vishwakarma, Advocate on behalf of Mr. A.N. Pandey, 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:-

*“(i) That, this Hon'ble Court may kindly be pleased to
quash the impugned order date 02.12.2022 passed by the
respondent No 02.*

*(ii) That, this Hon'ble Court may kindly be pleased to
direct the respondent authorities to allow the petitioner in
service as a mini worker at Village Kandari.*

*(iii) That any other order/relief which this Hon'ble Court
may deem fit, proper, and just in the facts and
circumstances of the present case may also kindly be
awarded to the petitioner in the ends of justice.”*



2. The petitioner has filed the present petition challenging the order dated 02.12.2022 passed by respondent No. 2, namely the Commissioner, Sarguja Division, Ambikapur, District Sarguja, whereby the revision preferred by the petitioner has been rejected on the ground that the order dated 17.08.2022 passed by the Collector, Balrampur, District Balrampur–Ramanujganj is in consonance with the directions issued by the State Government on 02.04.2008 regarding the appointment of Anganbadi Karyakarta, and that the Collector has rightly passed the said order by directing verification of the seniority of the candidates concerned for the post of Anganbadi Karyakarta and further directing the competent authority to pass appropriate orders within a period of one month in accordance with law.
3. The grievance raised by the petitioner is that an advertisement was issued in the year 2017 by respondent No. 4, namely the Chief Executive Officer, Janpad Panchayat, Kusmi, District Balrampur–Ramanujganj, for appointment to the posts of Anganbadi Karyakarta, Mini Karyakarta, and Sahayak Karyakarta, pursuant to which the petitioner was duly selected and appointed as Mini Karyakarta (Worker) at Village Kandari vide order dated 08.03.2019; however, the said appointment was subsequently challenged by respondent No. 5 by filing an appeal under Section 91 of the Panchayat Raj Adhiniyam, 1993, along with an application under Section 5 of the Limitation Act on account of the appeal being time-barred, and it is further contended that during



the proceedings before the Collector, the petitioner was proceeded against ex parte and was not afforded any reasonable opportunity of hearing, whereafter the Collector, without adhering to the principles of natural justice, passed the impugned final order setting aside the petitioner's appointment in an illegal, arbitrary, and unjustified manner.

4. Learned counsel for the petitioner submits that the allegation made by respondent No. 5 regarding manipulation of the petitioner's date of birth is wholly incorrect, unfounded, and devoid of any factual basis, as the petitioner has never altered or tampered with her date of birth, nor was there any reason to do so, particularly in view of the prescribed age limit of 18 to 44 years, with an additional relaxation of three years in cases where the candidate possesses one year or more of experience, and since the petitioner was approximately 33 years of age on the date of her appointment, she was well within the permissible age limit, leaving no scope or necessity for any manipulation in her mark-sheet or related documents; it is further submitted that the Collector, without calling for the relevant records or undertaking any proper verification, illegally cancelled the petitioner's appointment and directed re-appraisal and verification of seniority, thereby acting in an arbitrary and unjustified manner, especially when the petitioner duly appeared before the Collector on 20.04.2022 and the matter was thereafter fixed for 27.05.2022, and although the petitioner could not appear on 20.07.2022 due to



unavoidable reasons, the Collector proceeded to pass the impugned order on 17.08.2022, alleging manipulation in the date of birth, without granting any further opportunity of hearing, in clear violation of the principles of natural justice; learned counsel further submits that even if the Collector had any doubt regarding the petitioner's age, it was incumbent upon him to summon and examine the relevant records and documents and afford a reasonable opportunity of hearing to the petitioner, which was not done, and instead, the order was passed solely on the basis of unsubstantiated allegations raised by respondent No. 5, rendering the same illegal, arbitrary, and unsustainable in law; it is contended that the impugned order is contrary to the facts on record and has been passed without due application of mind, and therefore deserves to be set aside, and further, when the petitioner preferred a revision, the concerned Commissioner, without considering the vital aspects of the case and without examining the alleged illegal correction of the date of birth, mechanically affirmed the order of the Collector, and failed to independently scrutinize the matter, as a result of which both the orders passed by the Collector and the Commissioner are vitiated by non-consideration of relevant material and are not in accordance with law.

5. On the other hand, learned counsel for the State submits that the Collector, after meticulously examining all relevant facts, records, and circumstances of the case, has rightly passed the impugned



order in accordance with law, which does not call for any interference by this Hon'ble Court, and that the said order is well-reasoned, justified, and based on proper appreciation of material on record; it is further submitted that the Commissioner, upon independent consideration of the matter, has also passed a similar order affirming the findings of the Collector, holding the same to be legal, valid, and proper, and has thus confirmed the said order, leaving no scope for any doubt regarding its correctness or legality.

6. On the other hand, learned counsel appearing on behalf of respondent No. 5 has supported and justified the orders passed by the Collector as well as the Commissioner, contending that the said orders have been passed strictly in accordance with law, after due consideration of all relevant facts and circumstances of the case, and upon proper appreciation of the material available on record, and therefore do not suffer from any illegality, arbitrariness, or procedural irregularity warranting interference by this Hon'ble Court.
7. I have heard learned counsel for the parties and perused the material available on record.
8. From a careful perusal of the record and the documents on file, it clearly appears that the date of birth of the petitioner is 01.06.1984, which has been consistently recorded in all her testimonials and official records, and that the complaint alleging correction, discrepancies, or anomalies in her date of birth is not



borne out from the mark-sheet annexed with the petition. It is further evident that, before the Commissioner, a revision was preferred challenging the order of appointment of the petitioner on the grounds that she was allegedly not eligible for the post of Mini Karyakarta, that she was not a resident of the concerned village/panchayat, and that she had committed irregularities in her mark-sheet; however, in such circumstances, the concerned Collector was duty-bound to afford due and adequate opportunity of hearing to the petitioner and, only after granting such opportunity and considering her explanation and relevant materials on record, to pass a reasoned and merit-based order in accordance with law.

9. From a perusal of the order-sheets, it appears that after the petitioner's appearance on 20.04.2022, on the very next date, i.e., 20.07.2022, when the petitioner could not appear, the matter was immediately heard and reserved for orders, and it was thereafter held that there were anomalies in the mark-sheet produced by the petitioner. The allegation levelled against the petitioner is of a serious nature and carries civil consequences; therefore, the petitioner was entitled to a fair and reasonable opportunity of hearing, which was admittedly not granted. Although the appeal was filed with delay, the same was decided finally without adjudicating the application under Section 5 of the Limitation Act and without affording proper opportunity of hearing, which is contrary to the settled principles of procedural law. When



respondent No. 5 alleged manipulation in the petitioner's age, it was incumbent upon the Collector to grant due and proper opportunity to the petitioner to rebut the said allegation by producing relevant documents. Since the Collector proceeded to cancel the petitioner's appointment, it was obligatory upon him to first call upon the petitioner to submit her defence and thereafter, after granting adequate opportunity of hearing, to pass appropriate orders, which was not done. Further, when the said order was challenged before the Commissioner, the Commissioner, without calling for or examining the relevant records and without proper application of mind, arbitrarily and illegally affirmed the order of the Collector, which cannot be said to be a valid and reasoned order, especially when valuable rights of the petitioner were at stake. In such circumstances, the concerned authorities were required to examine the entire matter in its proper perspective and pass reasoned and lawful orders. Consequently, the impugned orders dated 17.08.2022 passed by the Collector and 02.12.2022 passed by the Commissioner are hereby quashed.

10. The concerned Collector, Balrampur, District-Balrampur-Ramanujganj, is hereby directed to pass appropriate and reasoned orders strictly in accordance with law, after affording due and sufficient opportunity of hearing to the petitioner as well as to all other concerned parties. The Collector shall further ensure that the petitioner is granted adequate and reasonable opportunity to



file his reply, submit relevant documents, and place all material on record in support of his case, and thereafter, upon careful and impartial consideration of the entire record and submissions made by the parties, to reconsider the matter afresh and pass a just, fair, and speaking order.

11. With the aforesaid observations and directions, the matter is hereby **remanded back** to the concerned Collector, Balrampur, District–Balrampur–Ramanujganj, with a direction to reconsider and decide the case afresh in accordance with law and to pass a reasoned and speaking order, after affording adequate and reasonable opportunity of hearing to all the concerned parties, and further to duly consider and adjudicate upon the application filed under Section 5 of the Limitation Act, in view of the fact that the appeal is barred by limitation, before taking any final decision in the matter.
12. With this observation and direction the petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
27.1.2026	28.2.2026	-	28.2.2026