



2026:CGHC:3727



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8986 of 2023

1 - Suraj Bai Rathiya W/o Bhupendra Singh Rathiya Aged About 25 Years Caste Kanwar, Resident Of Chainpur, Tahsil Kartala, Korba, District : Korba, Chhattisgarh

... **Petitioner(s)**

versus

1 - Durga Bai Rathiya W/o Devendra Prakash Rathiya Aged About 27 Years Caste Kanwar, Resident Of Chianpur, Tahsil Kartala, Korba, District : Korba, Chhattisgarh

2 - Chief Executive Officer Janpad Panchayat Kartala,, District : Korba, Chhattisgarh

3 - Project Officer Integrated Child Development Project Kartala, District : Korba, Chhattisgarh

... **Respondent(s)**

(Cause-title is taken from Case Information System)

For Petitioner : Mr. Pushpendra Kumar Patel, Advocate

For State : Mr. Anway Tiwari, Panel Lawyer

For Resp. No. 1 : Mr. Shahdev Yadav, Advocate appearing on behalf of Mr. C. J. K. Rao, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

21/01/2026

1. The present writ petition is being filed seeking following reliefs:-



- “(i) That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the petitioner's case.*
- (ii) That, this Hon'ble Court may kindly be pleased to issue writ/or writs/order/or orders, to quash impugned order dated 10.10.2023 (Annexure P-1) passed by the learned Upper Commissioner Bilaspur Division Bilaspur Chhattisgarh, in Appeal case no. 63/A-89/2022-2023, interest of justice.*
- (iii) Any other relief which may be suitable in the facts and circumstances of the case including cost of the petition, may also be granted.”*

2. Facts of the case, in a nutshell, are that the respondent No. 1 preferred a revision petition before the learned Upper Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh, challenging the order dated 18.05.2023 passed by the learned Collector, Korba, Chhattisgarh. Respondent No. 2 had issued an advertisement for the post of Aanganwadi Worker pursuant to letter dated 02.04.2008. In response to the said advertisement, the petitioner applied for the post of Aanganwadi Worker, possessing all requisite qualifications as prescribed under the terms and conditions of the advertisement. After due verification of all relevant documents, the petitioner was duly selected and appointed on the post of Aanganwadi Worker vide order dated 16.09.2022. In compliance thereof, the petitioner joined her duties on 20.09.2022. Respondent No. 1 preferred an appeal before the learned Collector, Korba, against the appointment order dated



16.09.2022. After due consideration of the material available on record, the learned Collector rejected the said appeal vide order dated 18.05.2023. Being aggrieved by the order dated 18.05.2023 passed by the learned Collector, Korba, respondent No. 1 filed a revision petition before the learned Upper Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh. The learned Upper Commissioner, without properly appreciating the material available on record, allowed the revision petition vide impugned order dated 10.10.2023 passed in Appeal Case No. 63/A-89/2022-2023. The impugned order dated 10.10.2023 passed by the learned Upper Commissioner is illegal, erroneous, arbitrary, and contrary to settled principles of law, and has been passed without proper consideration of the facts and evidence on record. The petitioner has no efficacious or alternative remedy available except to invoke the extraordinary jurisdiction of this Court. Hence, the present petition is being filed.

3. Learned counsel for the petitioner submits that the impugned order dated 10.10.2023 (Annexure P-1) passed by the learned Upper Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh, is wholly illegal, erroneous, arbitrary, and contrary to law, and therefore deserves to be quashed and set aside. It is further submitted that the petitioner had applied for the post of Aanganwadi Worker along with all requisite documents strictly in accordance with the terms and conditions of the advertisement. Upon due verification of the said documents, the petitioner was



found fully eligible and entitled for selection and appointment as per the applicable rules and guidelines. Learned counsel submits that respondent No. 2, after proper scrutiny and satisfaction that the petitioner fulfilled all eligibility criteria as per the guidelines issued by the State Government, appointed the petitioner to the post of Aanganwadi Worker vide order dated 16.09.2022. It is submitted that the learned Collector, Korba, while deciding the appeal preferred by respondent No. 1, duly considered the entire material available on record and rightly rejected the appeal vide order dated 18.05.2023, thereby affirming the lawful appointment of the petitioner. Learned counsel submits that the learned Upper Commissioner, while passing the impugned order dated 10.10.2023, failed to consider the relevant documents and material placed on record by the petitioner and, without proper appreciation of facts and law, wrongly allowed the revision petition preferred by respondent No. 1, which is unsustainable in the eyes of law. It is further submitted that as per the guidelines of the State Government, the petitioner was validly selected and appointed to the post of Aanganwadi Worker and has been continuously discharging her duties since the date of appointment. Her performance has been satisfactory and there has been no complaint whatsoever against her functioning. Learned counsel submits that respondent No. 1 did not fulfill the terms and conditions of the advertisement and has raised frivolous and baseless objections solely with an intent to harass and mentally



torture the petitioner, which is impermissible in law. It is submitted that the learned Upper Commissioner ought to have adopted a liberal, fair, and judicious approach while deciding the revision petition, particularly when the petitioner's appointment had already been upheld by the learned Collector after due consideration. Learned counsel submits that the impugned order is arbitrary, illegal, and contrary to the material available on record and the documents submitted by the petitioner, and therefore suffers from serious infirmities warranting interference by this Court. In view of the aforesaid facts and settled position of law, it is submitted that the impugned order dated 10.10.2023 has been passed in an arbitrary manner and is liable to be quashed.

4. Learned State Counsel submits that the order passed by the learned Commissioner is well-merited, reasoned, and passed in accordance with law, and therefore does not call for any reconsideration or interference by this Court. It is submitted that respondent No. 1 had duly filed his residential certificate before the concerned authority within the relevant stage of the proceedings. However, the said document was not properly considered by the competent authority while taking the initial decision. Learned State Counsel further submits that the learned Commissioner has rightly appreciated this factual aspect and, upon finding that a relevant document had been ignored, has correctly exercised revisional jurisdiction and interfered with the earlier order. It is submitted that the impugned order does not



suffer from any illegality, perversity, or arbitrariness and has been passed after due consideration of the material available on record. In view of the aforesaid submissions, learned State Counsel prays that the writ petition, being devoid of merit, deserves to be dismissed.

5. On the other hand, learned counsel for respondent No. 1 submits that the impugned order passed by the learned Commissioner is a well-reasoned, lawful, and speaking order, passed after due consideration of each and every relevant aspect of the matter and the material available on record. It is submitted that the learned Commissioner has correctly appreciated the factual and legal position and has examined the entire record in detail before arriving at the conclusion. The findings recorded in the impugned order are based on proper appreciation of evidence and do not suffer from any perversity or arbitrariness. Learned counsel further submits that the learned Commissioner has rightly taken note of the fact that the requisite documents relating to the residential certificate were produced during the pendency of the proceedings and prior to the decision taken by the Chief Executive Officer. Therefore, the requirement under the relevant guidelines stood duly complied with. It is submitted that since the necessary documents were placed on record within the permissible stage of the proceedings, no illegality or procedural irregularity can be attributed to the order passed by the learned Commissioner. Learned counsel submits that the impugned order



has been passed strictly in accordance with law, after affording due opportunity of hearing to all concerned parties, and therefore does not warrant any interference by this Court in exercise of its extraordinary jurisdiction. In view of the above, learned counsel for respondent No. 1 prays that the writ petition deserves to be dismissed as being devoid of merit.

6. I have heard learned counsel for the parties and have also perused the documents enclosed along with the petition.
7. From a bare perusal of the order dated 18.05.2023 passed by the Collector, Korba, as well as the revisional order dated 10.10.2023 passed by the Additional Commissioner, Bilaspur Division, it is evident that when the appeal was preferred by the petitioner against the appointment of respondent No.1, the first appellate authority i.e., the Collector, Korba, examined the matter in detail and addressed the objections raised by the petitioner. The Collector recorded a finding that the petitioner had failed to submit a valid residential certificate at the time of filing the application and during the stage of claim-objection, and that instead, a subsequent residential certificate was produced, which was duly verified by the evaluation/selection committee. On that basis, the Collector concluded that the petitioner was not entitled to appointment and that the appointment order dated 16.09.2022 issued in favour of respondent No.1 did not suffer from any illegality or infirmity, and accordingly dismissed the appeal.



8. When the aforesaid order was assailed before the Additional Commissioner in revision, the revisional authority, while exercising limited supervisory jurisdiction, re-examined the entire matter in detail. Though the scope of revisional jurisdiction is confined to examining the legality, propriety, or correctness of the impugned order, the Additional Commissioner, upon consideration of rival submissions and the documents produced by both parties, found that the Collector had failed to properly appreciate the grievance raised by respondent No.1. It was specifically observed that the earlier residential certificate of respondent No.1 had been issued during the Jansamasya Niwaran process, wherein the name of the village was incorrectly recorded as Taraimar instead of Chainpur. Upon noticing the said anomaly during the claim-objection stage, respondent No.1 promptly sought rectification and also produced supporting documents including ration card, voter identity card, Aadhaar card, and other relevant certificates, all of which consistently reflected her residence as Village Chainpur. An affidavit was also filed clarifying the factual position. The Additional Commissioner, upon comprehensive evaluation of the material on record, rightly concluded that respondent No.1 was a resident of Village Chainpur and that the discrepancy in the earlier residential certificate was purely clerical in nature, which stood subsequently rectified. The revisional authority further held that the Collector had failed to consider these crucial documents and had, therefore, passed an arbitrary and illegal order,



warranting interference. Accordingly, the revision was allowed by a detailed and reasoned order.

9. From a careful perusal of the revisional order, it is manifest that the Additional Commissioner has duly examined the entire controversy relating to the residential certificate and has assigned cogent and convincing reasons while recording findings in favour of respondent No.1. The conclusions arrived at are based on proper appreciation of evidence and relevant material on record, and no perversity, arbitrariness, or illegality can be attributed thereto.
10. Upon due consideration, this Court does not find the present case to be a fit one for exercise of jurisdiction under Articles 226 and 227 of the Constitution of India. The impugned order passed by the Additional Commissioner is well-reasoned, lawful, and based on objective evaluation of the material available on record. Each and every relevant aspect has been examined in detail, and the findings recorded do not suffer from any legal infirmity warranting interference.
11. It is trite law that in exercise of writ jurisdiction, this Court does not sit as a Court of appeal to re-appreciate evidence or substitute its own conclusions unless the impugned order suffers from manifest illegality, perversity, or jurisdictional error. In the present case, no such infirmity is demonstrated. The Collector, while cancelling the candidature of respondent No.1, failed to consider the entirety of



the documentary evidence, whereas the Additional Commissioner has passed a comprehensive, reasoned, and speaking order. In view of the same, the scope of interference under Articles 226 and 227 of the Constitution is not attracted.

12. Accordingly, the writ petition, being devoid of merit, is liable to be and is hereby dismissed.

No order as to costs

Sd/-

(Amitendra Kishore Prasad)

JUDGE

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