

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2nd OF JULY, 2024

WRIT PETITION No. 16404 of 2024

(GRAM PANCHAYAT AMAHA THROUGH SARPANCH SHILPI PARIHAR

Vs

THE STATE OF MADHYA PRADESH AND OTHERS)

Appearance:

***(BY SHRI K.K. SHRIVASTAVA – ADVOCATE FOR THE
PETITIONER)***

***(BY SHRI RAVINDRA DIXIT – GOVT. ADVOCATE FOR
RESPONDENT/STATE)***

ORDER

1. The present petition under Article 226 of the Constitution is preferred by the petitioner seeking following reliefs:-

7.1. प्रतियाचिकाकर्तागणों को आदेशित /निर्देशित किया जावे कि अवैधानिक रूप से बिना अधिकार के जारी आलौच्य आदेश दिनांक 07.06.2024 (पी-1) को निरस्त किये जाने के आदेश पारित करें।

(7.2) प्रतियाचिकाकर्तागणों को आदेशित/निर्देशित किया जावे कि याचिकाकर्ता के द्वारा प्रस्तुत आवेदन पत्र को निराकरण कर ग्राम पंचायत अमाहा में पंचायत सचिव की तत्काल नियुक्ति के आदेश जारी कर, अवैधानिक रूप से जारी आलौच्य आदेश दिनांक 07.06.2024 (पी-1) को निरस्त किये जाने के आदेश पारित करें।

(7.3) प्रतियाचिकाकर्तागणों को आदेशित किया जावे कि याचिकाकर्ता ग्राम पंचायत पर जनपद पंचायत/ग्राम पंचायत के द्वारा प्रस्तावित नामों में से किसी भी पंचायत सचिव/ग्राम रोजगार सहायक को ग्राम

पंचायत अमाहा में पंचायत सचिव के पद पर नियुक्ति/प्रभार दिये जाने के आदेश पारित करें।

(7.4) अन्य कोई आदेश/निर्देश माननीय न्यायालय जो उचित समझे जारी किया जावे।”

2. Grievance as echoed in the petition is that petitioner is Sarpanch of Gram Panchayat Amaha, Tehsil Lahar, District Bhind. His Gram Panchayat is not having any Panchayat Secretary and Gram Rojgar Sahayak. Panchayat Sachiv is under suspension. He refers show cause notice dated 7.6.2024 issued by CEO Janpad Panchayat Lahar in which it has been mentioned that petitioner is not able to perform the duties as Sarpanch regarding Namami Gange Project undertaken by State Government.

3. Grievance of petitioner is further accentuates because of non-availability of Panchayat Sachiv and Gram Rojgar Sahayak as well as the fact that he is not technically competent to conduct compliance work. Therefore, he is taking exception to this show cause notice. Beside that, he seeks appointment of Panchayat Sachiv/Gram Rojgar Sahayak at the earliest to the Gram Panchayat so that work can be done seamlessly.

4. Government counsel submits that show cause notice dated 7.6.2024 is in respect of working of petitioner and since it is show cause notice, therefore, petitioner can appear before the authority and apprise the authority about the state of affairs.

5. Considering the submissions, it appears that the matter is to be resolved at the Collector level or if require at the State

Government level because Panchayat Secretary at Gram Panchayat Amaha is to be deputed if not already posted so that day to day work of Panchayat can be carried out. So far as present show cause notice is concerned, it is for the petitioner to appear before the concerned authority and apprise the said authority about the state of affairs. No further order can be passed in the present case. Petitioner to appear and file reply.

6. Petition stands disposed of accordingly.

(ANAND PATHAK)
JUDGE

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