



2026:CGHC:10635

**AFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****Order Reserved on : 23.01.2026****Order Delivered on : 28.02.2026****WPS No. 7497 of 2023**

Pardeshi Ram S/o Late Khelandas Aged About 50 Years R/o Village-  
Ganiyari, Tahsil- Nawagarh, District Bemetara (Chhattisgarh)

**... Petitioner****versus**

**1** - State of Chhattisgarh Through The Secretary, Panchayat And Rural  
Development Department, Mantralaya Atal Nagar, New Raipur, District  
Raipur (Chhattisgarh)

**2** - The Board of Revenue Bilaspur, Circuit Court, Raipur, District Raipur  
(Chhattisgarh)

**3** - The Commissioner, Durg Division, District Durg (Chhattisgarh)

**4** - The Sub Divisional Officer (Revenue), Nawagarh, District Bemetara  
(Chhattisgarh)

**5** - The Tahsildar, Nawagarh, District Bemetara (Chhattisgarh)

**6** - Rambihari Sahu S/o Tirithram Sahu, R/o Village Ganiyari, Tahsil  
Nawagarh, District Bemetara (Chhattisgarh)

**... Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Renu Kochar, Advocate
For Respondents-State	:	Mr. Anand Dadariya, Deputy Advocate General
For Respondent No.6	:	Mr. Rajkumar Pali, Advocate

**Hon'ble Shri Amitendra Kishore Prasad, Judge**

**C A V Order**

1. This petition pertains to the appointment of a Kotwar under Section 230 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter referred to as “the Code, 1959”) and the Rules framed thereunder. A Kotwar appointed under Section 230 of the Code, 1959 is a civil servant, and such appointment is made within the jurisdiction of the Tahsildar/Additional Tahsildar/Naib Tahsildar. The Code, 1959 specifically provides for the appointment of Kotwars, prescribes their duties, and is supplemented by Rules governing their appointment, punishment, removal, and functions.
2. The petitioner has assailed the impugned order dated 23.06.2023 passed by the Chhattisgarh Board of Revenue, Bilaspur, Circuit Court Raipur, whereby the review application bearing No.RW23/R/A-59/137/2021 preferred by him was dismissed. The Board of Revenue held that the petitioner failed to point out any error apparent on the face of the record as contemplated under Section 51 of the Code, 1959 read with Order XLVII Rules 1 and 2 of the Code of Civil Procedure. It was further held that no material was placed on record so as to justify review of the earlier order dated 16.07.2021 passed by the Board of Revenue.
3. The petitioner has filed the instant writ petition with the following relief(s) :-

*“10.1 That this Hon'ble Court may kindly be*

*pleased to issue an appropriate writ, thereby setting-aside/quashing the impugned order dated 23.06.2023 (Annexure P/1) and further be pleased to direct the respondent authorities to appoint the petitioner on the post of Kotwar, Gram Panchayat, Ganiyari, in accordance with law.*

*10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”*

4. Brief facts for disposal of the instant writ petition are that, the petitioner's father, Khelan Das Panika, was serving as Kotwar of Village Ganiyari and passed away on 06.11.2010. Following his death, applications were invited to fill the vacant post. The Gram Panchayat recommended the petitioner. Despite that, the Tahsildar initially appointed Laxman Singh as Kotwar. The petitioner challenged this appointment, but before the case could be decided, Laxman Singh passed away, and the matter was dismissed.
5. The Tahsildar issued a fresh proclamation for appointment. Both the petitioner and respondent No. 6 applied. Respondent No. 6 was appointed, which was challenged before the Sub Divisional Officer (SDO). The SDO found that the proper procedure under Rule 4(1) & (2) and Section 230 Cr.P.C. was not followed, including absence of Gram Panchayat recommendation and character certificate from the police, and remanded the matter for

reconsideration. Respondent No. 6 preferred an appeal before the Commissioner, who allowed it. The petitioner challenged the Commissioner's order before the Board of Revenue, which, by order dated 16.07.2021, dismissed the petitioner's revision and directed appointment of respondent No. 6 as permanent Kotwar. The petitioner's review of this order was dismissed on 23.06.2023. Hence, the present petition.

- 6.** Learned counsel for the petitioner submits that the petitioner is the son of the deceased Kotwar, Khelan Das Panika, and as per Rule 4(2) of the Kotwar Appointment Rules, preference is to be given to near relatives of the ex-Kotwar. The petitioner had also received a recommendation from the Gram Panchayat in the initial round of appointment in 2010–11. Despite this, respondent No. 6 was appointed as permanent Kotwar without following the procedure prescribed under Rule 4(1) & (2) and Section 230 of the Code, 1959, including obtaining a character certificate from the Police Station. She further submits that educational qualification is not prescribed for the post of Kotwar, as held by this Hon'ble Court in W.P. No. 1927/2004. Respondent No. 6 being more educated cannot outweigh the petitioner's statutory right to preference. Additionally, past cases registered under Sections 107 and 116 Cr.P.C. against the petitioner cannot be treated as evidence of bad character, as held in W.P.S. No. 487/2016. The petitioner has otherwise fulfilled all eligibility criteria and the delay in appointment has been solely due to prolonged litigation, which

cannot disentitle him from claiming the post. It is lastly submitted that the appointment of respondent No. 6 is illegal and contrary to law, and the petitioner, being the near relative of the deceased Kotwar and otherwise eligible, is entitled to preference and appointment to the post of Kotwar, Gram Panchayat Ganiyari.

7. Learned counsel for the petitioner placed reliance in ***Daya Das Panka v. Nirmaldas and others*** passed in ***W.P. No.1927 of 2004*** by ***co-ordinate Bench of this Court on 08.11.2016*** and in ***Chhunku @ Bhishm v. State of Chhattisgarh and others*** passed in ***WPS No.487 of 2016 by co-ordinate Bench of this Court on 21.10.2019.***
8. On the other hand, learned State counsel opposes the submissions advanced by learned counsel for the petitioner and submits that the appointment of Kotwar is governed by the Kotwar Rules framed under Section 230 of the Code, 1959. As per Rule 2, no person shall be eligible for the post of Kotwar who, in the opinion of the appointing authority, is not of good character and antecedents, is unfit by reason of bodily or mental infirmity to perform the duties of the post, or is below the age of 21 years. Rule 3 vests the power of appointment with the Collector, Sub Divisional Officer, Tahsildar, or Naib-Tahsildar duly empowered. Rule 4(1) provides that on occurrence of a vacancy, the appointing authority shall make appointment after receiving a resolution from the Gram Sabha, and may temporarily appoint a

suitable person until the regular appointment is made. Rule 4(2) allows preference to near relatives of the ex-Kotwar, but only where other conditions are equal, and is not applicable if the vacancy arises due to dismissal, suspension, or the previous Kotwar being different, as in the present case where the vacancy was caused after the death of Laxman Singh, not the petitioner's father.

- 9.** Learned State counsel further submits that in the present case, respondent No. 6 has no criminal antecedent as per the report dated 28.08.2018, whereas the petitioner has two Istigasha cases registered under Sections 107 and 116 Cr.P.C., which disqualified him under Rule 2. Consequently, in accordance with Rule 4(1) proviso, the competent authority lawfully appointed respondent No. 6 as temporary Kotwar and issued a fresh proclamation for applications. The petitioner did not fulfill the requisite qualifications under the Rules, and the appointment of respondent No. 6 was therefore legal, proper, and in full compliance with the statutory procedure. The claim of the petitioner for preference as a near relative of the deceased Kotwar is misplaced, and the submissions seeking his appointment are liable to be rejected.
- 10.** Learned counsel for respondent No. 6 submits that the petitioner is not entitled to the relief claimed in the instant petition. The facts show that the deceased Kotwar, Khelan Das Panika, passed away on 06/11/2010, and the Tahsildar duly initiated the process

for filling the vacancy, initially appointing Laxman Singh on 16/10/2012. The petitioner challenged that appointment, but the matter was dismissed on 28/02/2017 due to the death of Laxman Singh. Subsequently, the Tahsildar issued fresh Istihars for the post, first on 20/06/2017 and then on 19/03/2018, to which only two applications were received, including that of the petitioner and respondent No. 6. Proper verification of character and antecedents was conducted by the police, which revealed no criminal record against Respondent No. 6, whereas the petitioner has two Istigasa cases registered in 1996 and 2013 under Sections 107 and 116(3) Cr.P.C., in addition to multiple complaints regarding his misconduct and threatening behavior in the village. After due process, respondent No. 6 was appointed as temporary Kotwar on 22/09/2018, in accordance with law and the recommendation of the Gram Panchayat.

- 11.** Learned counsel further submits that the petitioner did not fulfill the eligibility criteria under Rules 2, 4(1) & (6) of the Kotwari Rules and, being of advanced age, was not in a position to perform the duties of the post. The competent authority followed the proper procedure, and respondent No. 6 was subsequently appointed permanent Kotwar on 15/11/2021 in compliance with the order dated 16/07/2021 of the Board of Revenue. The petitioner has not challenged the permanent appointment order before any competent court. Therefore, the order dated 23/06/2023 passed by the Board of Revenue is strictly in accordance with law, fair

and reasoned, and does not warrant any interference. Reliance has been placed upon ***Rajkumar v. Ramlal and others*** reported in ***(2019) 06 CHH CK 0038***, to buttress his submissions.

12. I have heard the learned counsel appearing for the parties at length and considered their rival submission made herein and gone through the record thoroughly and extensively.
13. In order to adjudicate upon the dispute relating to the appointment of a Kotwar, it would be apposite to refer to Section 230 of the Code, 1959, which reads as under :-

***“230. Appointment of kotwars and their duties.-****(1) For each village or group of villages, there shall be appointed, in accordance with Rules made under Section 258, one or more kotwars for the performance of such duties as may be prescribed :*

*Provided that in the Madhya Bharat region the duties of kotwars under this section shall be performed by the Police Chowkidars who shall, on the coming into force of this Code, be deemed to be kotwars under this section, and be subject in all respects to the control of Revenue Officers.*

*(2) Every person who at the coming into force of this Code holds the post of a village watchman in the Bhopal and Sironj regions or of a chowkidar in the Vindhya Pradesh region shall be deemed to be a kotwar under*

*this section”*

- 14.** The Rules governing the appointment, punishment, removal, and duties of Kotwars have been framed in exercise of powers under Section 230 of the Code, 1959, the relevant provisions whereof read as under: :-

*“1. The number of Kotwars who shall hold office in any villages shall be as fixed at the preceding settlement:*

*Provided that the Collector may reduce or increase the number of Kotwars as fixed at the preceding settlement and may appoint additional Kotwars for villages in charge of a single Kotwar or put a Kotwar in charge of more villages than one in cases,-*

*(a) wherever it is necessary in order to raise the number of houses in charge of a Kotwar to a minimum of 50; or*

*(b) wherever it necessary in order to reduce the number of houses in charge of a Kotwar to 200; or*

*(c) with the sanction of the State Government for any other reason.*

*2. No person shall be eligible for the post of Kotwar, who-*

*(i) is, in the opinion of the appointing authority, not of good character and antecedents;*

*(ii) is, in the opinion of the appointing*

*authority, unfit through infirmity of body or mind, to perform the duties of the post;*

*(iii) is below the age of 21 years;*

*3. The appointment of Kotwar shall rest with the Collector, Sub-Divisional Officer, Assistant Collector of the first grade, Assistant Collector of the second grade if specially empowered by the Collector in this behalf. Tahsildar or Naib-Tahsildar who is empowered to exercise the powers of a Tahsildar under Sub-section (2) of Section 24 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959):*

*Provided that the Collector may specially empower a Naib Tahsildar who has not been invested with the powers of a Tahsildar under the said Code to make appointments under this rule.*

*4. [(1) On the occurrence of a vacancy in the post of a Kotwar, the Revenue Officer, who is empowered to make appointment, after receiving a resolution duly passed by the Gram Sabha in whose area the post of Kotwar is vacant, shall appoint on eligible person on the post of Kotwar, if the person proposed in the resolution does not fulfil the qualification prescribed in rule 2, the authorised Revenue Officer shall reject the resolution after recording the reasons in writing and intimate the Gram Sabha and call for a fresh proposal:*

*Provided that immediately on occurrence of a vacancy, the appointing authority may temporarily appoint a suitable person to perform the duties of the office of Kotwar till the regular appointment under sub-rule (1) is made.]*

*(2) In making appointment of a Kotwar under Sub-rule (1) preference may be given to the near relative of the ex-Kotwar, other things being equal.*

*Note.-If the vacancy is caused by the suspension or dismissal of the previous incumbent for bad character, misconduct or disobedience and the effect of the dismissal would be lost if a member of his family is appointed to succeed him, relatives of the previous incumbent may not be appointed.*

*5. (1) The appointing authority may fine, suspend or dismiss a Kotwar for,-*

*(i) being of bad character, actually participating in any kind of undesirable activities or acting in any manner which, in the opinion of the appointing authority, is not in public interest;*

*(ii) willful breach of Rules:*

*Provided that the amount of fine imposed at any one time shall not exceed Rs. 5.*

*(2) Action should be taken on reports made by the Police against Kotwars and result thereof be intimated to the police forthwith.*

*6. The appointing authority may terminate the services of a Kotwar whenever, owing to age or to mental or physical infirmity, he is no longer fit to perform the duties of the post.”*

- 15.** From perusal of the aforementioned statutory provisions, it clearly transpires that the post of Kotwar is not a contractual, casual, or hereditary engagement, but a statutory post created, regulated, and controlled exclusively by the provisions of the Code, 1959 and the Rules framed thereunder. The Code and the Rules comprehensively occupy the field with regard to the eligibility criteria, mode of appointment, duties, disciplinary control, suspension, dismissal, and termination of a Kotwar.
- 16.** The power to appoint a Kotwar vests solely in the competent Revenue Authorities, namely the Collector and other Revenue Officers duly empowered under the Rules, and such appointment is required to be made strictly in accordance with the procedure prescribed, including consideration of the resolution of the concerned Gram Sabha. Likewise, continuance in service, imposition of penalties, and removal from service are matters falling entirely within the statutory control of the appointing authority, subject to the satisfaction of the conditions enumerated under the Rules and observance of principles of fairness.
- 17.** The scheme of Section 230 and the Rules framed thereunder further makes it evident that no person can claim appointment or continuation on the post of Kotwar as a matter of right, much less

on the basis of lineage, past occupation of a family member, or any equitable consideration dehors the statute. Any preference accorded to a near relative of an ex-Kotwar is merely discretionary and conditional, and does not confer any vested or enforceable right.

- 18.** Thus, the statutory framework leaves no manner of doubt that rights and obligations relating to the post of Kotwar emanate solely from the statute, and any appointment, disciplinary action, or termination made in conformity with the Code and the Rules would fall squarely within the jurisdiction of the competent Revenue Authority and would not be open to interference unless shown to be vitiated by patent illegality, procedural irregularity, or arbitrariness.
- 19.** From the pleadings and record, it is evident that the petitioner's father, namely late Khelan Das Panika, was working as Kotwar of Village Ganiyari and expired on 06.11.2010. Consequent upon his death, a vacancy arose for the post of Kotwar and the Tahsildar initiated the process for filling up the said vacancy in accordance with law. After following due procedure, one Laxman Singh was appointed as Kotwar of Village Ganiyari. The said appointment was assailed by the petitioner and the matter remained pending before the Board of Revenue. During pendency of the proceedings, Laxman Singh expired and, as a consequence thereof, the revision challenging his appointment stood terminated

on account of his death. Thereafter, on 16.03.2018, the Tahsildar issued a fresh proclamation inviting applications for appointment to the post of Kotwar. Pursuant thereto, both the petitioner and respondent No. 6 submitted their applications. After undertaking the prescribed procedure, including verification of character and antecedents, the Tahsildar appointed respondent No. 6 as Kotwar. The petitioner challenged the said appointment before the Sub-Divisional Officer (Revenue), Nawagarh, District Bemetara. The Sub-Divisional Officer set aside the appointment and directed reconsideration in accordance with Section 230 of the Code, 1959. However, in appeal, the Commissioner, Durg Division, Durg, set aside the order of the Sub-Divisional Officer and directed appointment of a permanent Kotwar in accordance with law.

- 20.** The order passed by the Commissioner was challenged by the petitioner before the Board of Revenue in revision. The Board of Revenue, after considering the entire material on record, dismissed the revision and affirmed the order passed by the Commissioner. The petitioner thereafter preferred a review application, which was also dismissed by the Board of Revenue on the ground that no error apparent on the face of the record, as envisaged under Section 51 of the Code, 1959 read with Order XLVII Rules 1 and 2 of the Code of Civil Procedure, was made out.

- 21.** Upon a careful perusal of the orders passed by the Board of Revenue in its revisional as well as review jurisdiction, this Court finds that the petitioner failed to raise any ground warranting interference. The Board of Revenue has recorded cogent and well-reasoned findings, particularly noting that at the time of preferring the appeal, the petitioner was about 54 years of age. The post of Kotwar being a government post, the age of superannuation is 60 years, and therefore, considering his advanced age, the petitioner was not found suitable for appointment to the said post.
- 22.** Further, the record reveals that as many as three criminal antecedents exist against the petitioner. Separate complaints were filed against him by the Gram Panch, Gram Patel and other villagers before the Sub-Divisional Officer and the concerned Police Station. The Executive Magistrate, Nawagarh, by order dated 21.01.2011, directed the petitioner to execute a bond of ₹10,000/- with surety for maintaining peace in the village. Additionally, the Station House Officer, Police Station Nandghat, District Bemetara, vide letter dated 28.08.2018, informed the Tahsildar that cases under Sections 107 and 116(3) of the Code of Criminal Procedure were registered against the petitioner in the years 1996 and 2013. In view of the aforesaid material, the competent authority rightly concluded that the petitioner does not possess good character and antecedents, as required under Rule 2 of the Kotwar Rules.

- 23.** Though the petitioner claims preference on the ground that his father was earlier working as Kotwar, it is evident that after the death of his father, the petitioner was never appointed to the post even temporarily. Instead, Laxman Singh was appointed as Kotwar, and therefore, the petitioner cannot claim any experience of Kotwari duties even for a single day. The plea of preference cannot override the statutory requirement of suitability and eligibility.
- 24.** It is also not in dispute that the petitioner is educated only up to Class III, whereas respondent No. 6 has passed Class V and was aged about 34 years at the relevant time. Moreover, no criminal antecedent whatsoever is found against respondent No. 6. Considering the nature of duties attached to the post of Kotwar, which require efficiency, integrity, and continuous engagement with village administration, the comparative assessment made by the competent authority cannot be faulted.
- 25.** The Commissioner, Durg Division, Durg, as well as the Board of Revenue, have concurrently held that the petitioner was not suitable for appointment, whereas respondent No. 6 was found eligible and competent in all respects. Consequently, respondent No. 6 was initially appointed as temporary Kotwar and thereafter as permanent Kotwar in compliance with the directions issued by the appellate authority. These findings are based on appreciation of facts and statutory provisions and do not suffer from any

illegality or perversity.

- 26.** It is well settled that orders passed by quasi-judicial authorities exercising appellate, revisional or review jurisdiction are not to be interfered with in exercise of writ jurisdiction unless there is manifest illegality, perversity, or miscarriage of justice. No such circumstance is made out in the present case.
- 27.** In ***Municipal Council, Neemuch v. Mahadeo Real Estate, (2019) 10 SCC 738***, the Supreme Court emphasized that decisions taken in undue haste or by bypassing mandatory statutory requirements are liable to be struck down even if taken in good faith. The Hon'ble Supreme Court while dealing with the issue, has held as under :-

*“14. It could thus be seen that the scope of judicial review of an administrative action is very limited. Unless the Court comes to a conclusion, that the decision maker has not understood the law correctly that regulates his decision-making power or when it is found that the decision of the decision maker is vitiated by irrationality and that too on the principle of “Wednesbury Unreasonableness” or unless it is found that there has been a procedural impropriety in the decision-making process, it would not be permissible for the High Court to interfere in the decision making process. It is also equally well settled, that it is not permissible for the Court to examine the validity of the decision but this Court can examine only*

*the correctness of the decision-making process.*

*15. This Court recently in the case of West Bengal Central School Service Commission vs. Abdul Halim reported in 2019 SCC OnLine SC 902 had again an occasion to consider the scope of interference under Article 226 in an administrative action.*

*“31. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is selfevident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in Satyanarayan v. Mallikarjuna reported in AIR 1960 SC 137. If the provision of a statutory rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ Court. It is only an obvious misinterpretation of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ Court by issuance of*

*writ of Certiorari.*

32. *The sweep of power under Article 226 may be wide enough to quash unreasonable orders. If a decision is so arbitrary and capricious that no reasonable person could have ever arrived at it, the same is liable to be struck down by a writ Court. If the decision cannot rationally be supported by the materials on record, the same may be regarded as perverse.*

33. *However, the power of the Court to examine the reasonableness of an order of the authorities does not enable the Court to look into the sufficiency of the grounds in support of a decision to examine the merits of the decision, sitting as if in appeal over the decision. The test is not what the Court considers reasonable or unreasonable but a decision which the Court thinks that no reasonable person could have taken, which has led to manifest injustice. The writ Court does not interfere, because a decision is not perfect.*

16. *It could thus be seen that an interference by the High Court would be warranted only when the decision impugned is vitiated by an apparent error of law, i.e., when the error is apparent on the face of the record and is self evident. The High Court would be empowered to exercise the powers when it finds that the decision impugned is so arbitrary and capricious that no reasonable person would*

*have ever arrived at. It has been reiterated that the test is not what the court considers reasonable or unreasonable but a decision which the court thinks that no reasonable person could have taken. Not only this but such a decision must have led to manifest injustice.”*

- 28 Further, the Supreme Court of India in ***Union of India v. M.V. Mohanan Nair, (2020) 5 SCC 421***, has authoritatively reiterated the well-settled parameters governing the exercise of writ jurisdiction under Article 226 of the Constitution in matters involving departmental proceedings and findings of fact recorded by competent authorities. In the said decision, the Court held that where findings of fact have been concurrently recorded by the Disciplinary Authority, the Appellate Authority, and/or the Revisional Authority, such findings ordinarily attain finality and are not to be lightly interfered with by the High Court in exercise of its writ jurisdiction. The Court emphasized that judicial review is not an appeal on facts. The High Court does not sit as a court of re-appreciation of evidence, nor can it substitute its own conclusions for those arrived at by the statutory authorities. It was further clarified that interference would be justified only in exceptional circumstances, namely where the findings are: (i) Perverse — i.e., findings which are based on no evidence at all, or are such that no reasonable person acting judicially could have arrived at; (ii) Arbitrary or capricious — where relevant material has been ignored or extraneous considerations have influenced the

decision; (iii) Vitiating by patent illegality — such as violation of principles of natural justice, non-observance of mandatory statutory provisions, or procedural irregularities causing manifest prejudice. The Court underscored that adequacy or sufficiency of evidence is not a ground for interference in writ proceedings. So long as there is some evidence to support the findings and the decision-making process is fair, reasonable, and in accordance with law, the High Court must exercise restraint. The principle flowing from the said judgment is that writ jurisdiction is supervisory in nature and not appellate. Therefore, once statutory authorities have concurrently examined the record and arrived at reasoned conclusions, the High Court would transgress the limits of judicial review if it were to reassess the factual matrix merely because another view is possible. Thus, the dictum in ***M.V. Mohanan Nair*** (supra) reinforces the doctrine of judicial restraint and finality of concurrent factual findings, unless the petitioner is able to demonstrate perversity, arbitrariness, mala fides, or a manifest error apparent on the face of the record.

29. Reverting to the facts of the present case in the light of the statutory scheme governing the appointment of Kotwars and the principles of judicial review discussed hereinabove, this Court finds that the entire controversy essentially relates to comparative suitability and eligibility of the candidates considered by the competent authority. The petitioner has sought to build his case primarily on the ground of being the son of the deceased Kotwar

and on the alleged right of preference under Rule 4(2) of the Kotwar Rules. However, as already noticed, preference to a near relative of the ex-Kotwar is not an absolute or vested right; it is merely discretionary and conditional, to be exercised only when “other things are equal”. In the present case, the materials on record clearly demonstrate that other relevant factors, including character, antecedents, age, and overall suitability, were not equal.

- 30.** The competent authority, as well as the appellate and revisional authorities, have taken into consideration the petitioner’s criminal antecedents, complaints received from the villagers, and the order passed by the Executive Magistrate requiring him to execute a bond for maintaining peace. These aspects directly bear upon the requirement under Rule 2 that a person must be of good character and antecedents. The finding that the petitioner does not fulfill this essential eligibility condition cannot be said to be arbitrary, perverse, or unsupported by material on record. On the contrary, it is founded upon documentary material and verification conducted by the police authorities.
- 31.** Furthermore, the petitioner was admittedly around 54 years of age at the time of consideration, whereas respondent No. 6 was significantly younger and possessed better educational qualifications. Although educational qualification may not be a statutory requirement, comparative merit and capacity to

effectively discharge the multifarious duties of a Kotwar are certainly relevant considerations for the appointing authority. The assessment of comparative suitability is primarily within the domain of the administrative authority and does not warrant substitution by this Court in exercise of its supervisory jurisdiction.

32. The revisional order dated 16.07.2021 passed by the Board of Revenue and the order dated 23.06.2023 rejecting the review application reflect a conscious application of mind to the rival submissions and the material placed on record. The Board has rightly observed that no error apparent on the face of the record, as contemplated under Section 51 of the Code, 1959 read with Order XLVII Rules 1 and 2 CPC, was made out. The scope of review being extremely limited, the dismissal of the review petition cannot be faulted.
33. In view of the law laid down by the Hon'ble Supreme Court in ***Municipal Council, Neemuch*** (supra) and ***M.V. Mohanan Nair*** (supra), this Court is reminded that it does not sit as an appellate authority over the findings recorded by statutory forums. Judicial review is confined to examination of the decision-making process and not the decision itself. Unless the petitioner establishes perversity, arbitrariness, manifest illegality, or violation of principles of natural justice, no interference is called for. In the present case, none of these vitiating factors are demonstrated.
34. It is also significant to note that the petitioner has not chosen to

assail the subsequent order whereby respondent No. 6 was appointed as permanent Kotwar pursuant to the directions issued by the appellate authority and affirmed in revision. The said order, having attained finality, cannot be indirectly unsettled in the present proceedings. Even otherwise, the record reveals that respondent No. 6 was appointed after issuance of fresh proclamation, consideration of applications received in response thereto, verification of character and antecedents through the concerned Police Station, and due consideration of the resolution of the Gram Sabha as mandated under Rule 4(1) of the Kotwar Rules framed under Section 230 of the Code, 1959. The competent authority has exercised its statutory discretion after evaluating eligibility, suitability, antecedents, age, and overall capacity to perform the duties attached to the post. In absence of any material demonstrating violation of mandatory statutory provisions or procedural impropriety, the appointment cannot be branded as illegal, arbitrary, or de hors the statutory framework.

- 35.** Upon a comprehensive and anxious consideration of the pleadings of the parties, the statutory provisions governing the field, the material placed on record, and the concurrent findings recorded by the Commissioner as well as the Board of Revenue in exercise of revisional and review jurisdiction, this Court finds no infirmity in the decision-making process adopted by the authorities below. The findings with regard to the petitioner's lack of eligibility under Rule 2, particularly concerning character and antecedents,

as well as comparative suitability, are based upon relevant material and cannot be said to be perverse or unsupported by evidence. The scope of interference under Article 226 of the Constitution of India is supervisory and not appellate. This Court does not reappreciate evidence or substitute its own view merely because another view is possible.

- 36.** The impugned order dated 23.06.2023 passed by the Board of Revenue reflects due application of mind and assigns cogent reasons while rejecting the review petition on the ground that no error apparent on the face of the record was established. The limited jurisdiction of review has rightly been kept in perspective by the Board, and no jurisdictional error, manifest illegality, or miscarriage of justice is demonstrated before this Court.
- 37.** In the considered opinion of this Court, the petitioner has utterly failed to demonstrate infringement of any enforceable statutory right or violation of any mandatory provision contained in Section 230 of the Code, 1959 or the Rules framed thereunder. The principles of natural justice have not been shown to have been breached at any stage of the proceedings. The petitioner was afforded due opportunity before the competent authority as well as before the appellate, revisional, and review forums. The concurrent findings recorded against him are based on relevant material available on record, particularly with regard to his antecedents, suitability, and comparative merit. The findings

cannot be termed as perverse, arbitrary, or such that no reasonable person acting judiciously could have arrived at.

- 38.** The contention of the petitioner that being the son of the deceased Kotwar he possesses a superior right to appointment is misconceived in law. The statutory scheme clearly indicates that preference to a near relative is conditional and discretionary, applicable only when all other parameters stand on equal footing. The said provision does not create a hereditary right nor confer an indefeasible claim to appointment. Appointment to a statutory post must strictly conform to the eligibility criteria and suitability assessment prescribed by the Rules. Where the competent authority, on objective consideration, finds a candidate unsuitable on grounds recognized under Rule 2, such decision cannot be displaced merely on equitable considerations or familial connection.
- 39.** It is trite that this Court, while exercising powers under Article 226 of the Constitution of India, does not act as a court of appeal over administrative determinations. Judicial review is confined to examining the legality, procedural propriety, and rationality of the decision-making process. In the present case, the process adopted by the authorities does not suffer from any patent illegality, jurisdictional error, malafides, or procedural irregularity causing prejudice to the petitioner. No manifest injustice is made out. On the contrary, the appointment of respondent No. 6

appears to have been made after adherence to the prescribed procedure and based on comparative suitability.

- 40.** For all the aforesaid reasons, this Court is of the unequivocal view that the writ petition lacks merit and substance. The challenge to the order dated 23.06.2023 passed by the Board of Revenue is unsustainable in law.
- 41.** Consequently, the writ petition stands **dismissed**. There shall be no order as to costs.

**Sd/-**  
**(Amitendra Kishore Prasad)**  
**Judge**

Yogesh

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
23.01.2026	28.02.2026	-----	28.02.2026

**Head-Note**

Appointment to the post of Kotwar under Section 230 of the Chhattisgarh Land Revenue Code, 1959 is governed strictly by the statutory Rules. Preference to a near relative of an ex-Kotwar under Rule 4(2) is discretionary and does not create a vested right. In absence of perversity or illegality in concurrent findings of the revenue authorities, interference under Article 226 is not warranted.