



2026:CGHC:10578

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****Order Reserved on : 28.01.2026****Order Delivered on : 28.02.2026****WPS No. 4091 of 2023**

Sahodra W/o Dhanaji Aged About 46 Years R/o Village Bharbhatha,  
Tahsil And District- Bemetara Chhattisgarh

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

**1** - State of Chhattisgarh Through The Collector, Bemetara, District-  
Bemetara Chhattisgarh

**2** - The Upper Commissioner Durg, Division,district- Durg Chhattisgarh

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

**4** - The Tahsildar, Bemetara, District- Bemetara Chhattisgarh

**5** - Parmanand S/o Narottam R/o Village- Charbhatha, Tahsil And  
District- Bemetara Chhattisgarh

**6** - Milap S/o Narottam R/o Village- Charbhatha, Tahsil And District-  
Bemetara Chhattisgarh

**7** - Chhattisgarh Board Of Revenue Circuit Court, Raipur, District-  
Raipur Chhattisgarh

**... Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Bharat Rajput, Advocate
For Respondents-State	:	Mr. Anand Dadariya, Deputy Advocate General with Ms. Vartika Shrivastava, Panel Lawyer
For Respondent No.5	:	Ms. Sareena Khan, Advocate

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

**C A V Order**

1. The present writ petition arises out of proceedings relating to appointment on the post of Village Kotwar under Section 230 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter referred to as "the Code, 1959"). The appointment to the post of Kotwar is made by the Tahsildar after following the procedure prescribed under the Code, 1959 and the applicable revenue practice. The petitioner was appointed as Kotwar of Village Charbhatha, Tahsil and District-Bemetara by the Tahsildar vide order dated 31.08.2012, after due inquiry and compliance of statutory requirements, which appointment stood affirmed in first appeal and second appeal by the competent revenue authorities.
2. The petitioner has called in question the impugned order dated 22.05.2023 passed by the Chhattisgarh Board of Revenue, Bilaspur, whereby the revision being No.RN/23/R/A-56/388/2015 preferred by respondent No. 5 was allowed, the concurrent orders passed by the Tahsildar, Bemetara, the Sub-Divisional Officer, Bemetara and the Additional Commissioner, Durg, Division Durg, were set aside, and the matter was remanded to the Tahsildar, Bemetara for initiating a fresh process of appointment under Section 230 of the Code, 1959, despite the fact that the petitioner had been lawfully appointed after a full-fledged inquiry and had continuously discharged her duties as Kotwar for more than ten

years.

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/ order, thereby setting-aside/quashing the impugned order dated 22.05.2023 Annexure P/1 and further be pleased to direct the respondent authorities to allow the petitioner to continue on the post of Kotwar of Village Charbhatha.*

*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 namely Late Premdas was serving as Kotwar of Village Charbhatha, Tahsil & District-Bemetara, and had discharged his duties faithfully during his lifetime. Upon his demise, a vacancy arose on the post of Village Kotwar. In accordance with the prevailing revenue practice and provisions of law, the petitioner, being the daughter and legal heir of the deceased Kotwar and possessing the requisite eligibility and capability to perform Kotwar duties including proclamation work, submitted an application before the Tahsildar, Bemetara seeking appointment on the said post. On the basis of the petitioner's application, the villagers and Panchas of Gram Panchayat, Charbhatha considered her candidature and recommended her

appointment on the post of Kotwar, recognizing her suitability and entitlement. The petitioner's application along with the recommendation of the Gram Panchayat was duly placed before the competent authority.

- 5.** Thereafter, respondent No. 5 filed an objection before the Tahsildar opposing the appointment of the petitioner and simultaneously claimed appointment for himself on the post of Village Kotwar. The petitioner filed a detailed reply to the said objection, specifically asserting that since her father was working as Kotwar, she was entitled to preferential consideration and was fully competent to discharge the duties attached to the post. The Tahsildar (respondent No. 4), following due process of law, initiated proceedings by calling for opinion/proposal from the Sarpanch, Gram Panchayat, Charbhatha, and also requisitioned the character certificate of the petitioner from the concerned Police Station, Bemetara. Pursuant thereto, the Station House Officer submitted the character certificate certifying that no criminal case was registered against the petitioner, thereby confirming her suitability.
- 6.** During the course of inquiry, the statement of the Sarpanch, Gram Panchayat, Charbhatha was recorded, wherein he categorically stated that although a proposal was shown to have been passed in favour of respondent No. 5, the same was drafted by the Panchayat Secretary and signatures of Panchas were obtained

mechanically. He further stated that had the petitioner informed him about her application, he would have had no objection to her appointment as Kotwar, thereby demolishing the claim of respondent No. 5. After due consideration of the entire material on record, including pleadings of the parties, documentary evidence, character certificate, statements of witnesses, and after affording proper opportunity of hearing to all concerned, the Tahsildar appointed the petitioner as Village Kotwar vide order dated 31.08.2012.

7. Respondent No. 5 carried the matter in appeal before respondent No. 3, which came to be dismissed vide order dated 23.02.2013. Being unsuccessful, respondent No. 5 preferred a second appeal before respondent No. 2, which was also dismissed vide order dated 06.01.2015, thereby affirming the order of appointment passed in favour of the petitioner. Consequently, the petitioner continued to discharge her duties as Village Kotwar uninterruptedly. After an inordinate delay, respondent No. 5 preferred a revision before the Board of Revenue (respondent No. 7). Vide the impugned order dated 22.05.2023, the learned Board of Revenue allowed the revision, set aside the concurrent orders passed by respondents No. 2, 3 and 4, and remanded the matter to the Tahsildar for initiating a fresh process of appointment under Section 230 of the Code, 1959, despite the fact that the petitioner had already been appointed after full compliance of statutory requirements and had been continuing on the post for more than

a decade. Hence, the present writ petition.

8. Learned counsel for the petitioner submits that the impugned order dated 22.05.2023 (Annexure P/1) passed by the learned Board of Revenue is patently illegal, perverse and beyond the scope of revisional jurisdiction, inasmuch as it sets aside three concurrent, well-reasoned and speaking orders passed by the competent authorities, without recording any finding of perversity, jurisdictional error or violation of statutory provisions. It is further submitted that the Tahsildar, after conducting a detailed inquiry, recording statements of relevant witnesses including the Sarpanch, obtaining the character certificate of the petitioner and after affording due opportunity of hearing to all parties, lawfully appointed the petitioner as Kotwar vide order dated 31.08.2012, which appointment has been affirmed in first appeal as well as in second appeal.
9. Learned counsel contends that the Board of Revenue, while exercising revisional powers, could not have re-appreciated the evidence or interfered with concurrent findings of fact, especially when no illegality or perversity was found in the orders passed by the subordinate authorities. The revisional authority is confined to examining legality and jurisdictional errors, and not to substituting its own view on facts. It is also submitted that the petitioner, being the daughter of the deceased Kotwar, was rightly granted preferential consideration, which is in consonance with long-

standing revenue practice and settled principles governing Kotwar appointments. The learned Board of Revenue has completely ignored the categorical statement of the Sarpanch, which clearly discredits the alleged proposal in favour of respondent No. 5.

- 10.** Learned counsel further submits that the impugned order, passed after more than a decade of the petitioner's continuous service, unsettles a long-standing and settled position and is violative of the principles of finality, certainty and fairness, thereby causing serious prejudice to the petitioner. Accordingly, learned counsel prays that the impugned order dated 22.05.2023 be set aside, and the orders passed by the Tahsildar and the appellate authorities be restored.
- 11.** On the other hand, learned State counsel opposes the submissions advanced by learned counsel for the petitioner and submits that the impugned order dated 22.05.2023 passed by the learned Board of Revenue is legal, proper and within the bounds of its revisional jurisdiction. It is contended that the Board of Revenue has rightly exercised its powers to ensure compliance with the provisions of Section 230 of the Code, 1959, while directing the Tahsildar to undertake the appointment process afresh. He further submits that the post of Kotwar is not hereditary, and appointment to the said post must strictly be in accordance with the statutory provisions and prescribed procedure, which includes obtaining a valid proposal from the

Gram Panchayat and verification of the candidate's antecedents. It is argued that the learned Board of Revenue has not appointed respondent No. 5, but has only set aside the earlier orders and remanded the matter to the Tahsildar for reconsideration after completing procedural requirements, and therefore no prejudice has been caused to the petitioner. It is lastly contended that the interference made by the Board of Revenue is justified to rectify procedural irregularities, and no case for exercise of extraordinary jurisdiction under Article 226 of the Constitution of India is made out by the petitioner. Accordingly, it is prayed that the present writ petition be dismissed.

- 12.** Learned counsel for respondent No. 5 submits that the impugned order dated 22.05.2023 passed by the learned Board of Revenue is legal, justified and well within the scope of revisional jurisdiction, and does not suffer from any infirmity warranting interference by this Court. She further contends that the learned Board of Revenue has rightly exercised its revisional powers to ensure strict compliance with the provisions of Section 230 of the Code, 1959, while directing the Tahsildar to undertake the process of appointment to the post of Kotwar afresh, in accordance with law. It is further submitted that the post of Kotwar is not hereditary in nature, and no vested or automatic right accrues in favour of the petitioner merely on account of her being the daughter of the deceased Kotwar. Appointment to the said post must be made strictly in accordance with statutory provisions, which mandatorily

require a valid proposal of the Gram Panchayat and proper verification of antecedents.

13. Learned counsel for respondent No.5 further submits that the learned Board of Revenue has not appointed respondent No. 5, but has only set aside the previous orders and remanded the matter to the Tahsildar for reconsideration after curing procedural defects, and therefore no prejudice has been caused to the petitioner. It is argued that the interference by the learned Board of Revenue is justified to rectify material irregularities committed during the earlier proceedings, and as such, no case is made out for invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, learned counsel for respondent No. 5 prays that the present writ petition be dismissed.
14. 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.
15. For proper adjudication of the case, it would be apposite to extract Section 230 of the Chhattisgarh Land Revenue 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”*

- 16.** Rules regarding appointment, punishment and removal of Kotwars and their duties are noticed under Section 230 of the CGLRC, relevant provisions of which reads 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 Kotwars 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.”*

- 17.** 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, 1959 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.
- 18.** 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.

- 19.** 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 de hors 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.
- 20.** 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, 1959 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.
- 21.** In the present case, it is not in dispute that the petitioner's father, late Premdas, was serving as Kotwar of Village Charbhatha, Tahsil and District Bemetara, and upon his demise, a vacancy

arose on the said post. The petitioner, being the daughter and legal heir of the deceased Kotwar, submitted an application before the Tahsildar seeking appointment. The Tahsildar initiated proceedings in accordance with law, called for opinion from the Gram Panchayat, requisitioned the petitioner's character certificate from the concerned Police Station, and afforded opportunity of hearing to all stakeholders, including respondent No. 5, who had raised objection and staked a rival claim.

- 22.** During the inquiry, the Station House Officer certified that no criminal case was registered against the petitioner. The Sarpanch of Gram Panchayat, Charbhatha, in his statement, categorically clarified that the alleged proposal in favour of respondent No. 5 was prepared by the Panchayat Secretary and signatures of Panchas were obtained mechanically, and that he had no objection to the petitioner's appointment. Upon consideration of the entire material, the Tahsildar found the petitioner suitable and appointed her as Kotwar vide order dated 31.08.2012.
- 23.** The said order of appointment was assailed by respondent No. 5 before the Sub-Divisional Officer, which appeal came to be dismissed. The second appeal preferred before the Additional Commissioner was also dismissed, thereby affirming the order passed by the Tahsildar. As a consequence thereof, the petitioner continued to discharge her duties as Village Kotwar uninterruptedly for more than ten years.

- 24.** After an inordinate and unexplained delay, respondent No. 5 invoked the revisional jurisdiction of the Board of Revenue. The Board of Revenue, by the impugned order dated 22.05.2023, set aside the concurrent orders passed by the Tahsildar and the appellate authorities and remanded the matter for fresh consideration under Section 230 of the Code, 1959, without recording any finding of perversity, jurisdictional error or violation of statutory provisions in the earlier proceedings.
- 25.** A careful perusal of the impugned order reveals that the Board of Revenue has virtually re-appreciated the evidence and substituted its own view in place of the concurrent findings recorded by three competent authorities. Such an exercise clearly travels beyond the permissible limits of revisional jurisdiction, which is confined to examining legality, propriety and jurisdictional errors, and does not extend to reopening concluded findings of fact.
- 26.** It is also significant that the petitioner had been appointed after full compliance of statutory requirements, including verification of character and antecedents, and had continued on the post for over a decade without any complaint or adverse material on record. The impugned order, by unsettling a long-standing and settled position, defeats the principles of finality, certainty and administrative fairness.
- 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 back to the facts of the present case, and particularly to the impugned order dated 22.05.2023 passed by the Board of Revenue, it is evident that the revisional authority, while entertaining Revision No. RN/23/R/A-56/388/2015 preferred by respondent No. 5, has set aside the concurrent orders dated 31.08.2012 passed by the Tahsildar, 23.02.2013 passed by the Sub-Divisional Officer, and 06.01.2015 passed by the Additional Commissioner, and has remanded the matter to the Tahsildar for initiating a fresh process of appointment under Section 230 of the Code, 1959. The said order does not confer any positive direction in favour of respondent No. 5, but merely directs reconsideration of the appointment in accordance with the statutory scheme.
30. Upon careful scrutiny of the impugned order, this Court does not find that the Board of Revenue has acted wholly without jurisdiction or in disregard of the statutory framework. The

revisional jurisdiction under the Code, 1959 empowers the authority to examine the legality and propriety of the orders passed by subordinate revenue authorities. Merely because three authorities had recorded concurrent findings in favour of the petitioner, the revisional power does not stand obliterated, particularly when the authority has formed an opinion that the matter requires reconsideration in light of procedural requirements prescribed under Section 230 and the Rules framed thereunder.

31. It is by now trite that the post of Kotwar is a statutory post and its appointment is governed entirely by Section 230 of the Code, 1959 and the relevant Rules. The scheme makes it abundantly clear that no appointment can be claimed as a matter of right, and certainly not on the ground of hereditary succession. The preference contemplated in Rule 4(2) in favour of a near relative of an ex-Kotwar is conditional and operates only when other statutory requirements are duly satisfied. It does not override the requirement of a duly passed resolution of the Gram Sabha or consideration thereof by the competent Revenue Officer.
32. The scope of interference under Article 226 of the Constitution of India is confined to examining the decision-making process and not the merits of the decision itself. The Supreme Court of India in ***Municipal Council, Neemuch*** (supra) and ***M.V. Mohanan Nair*** (supra) has categorically held that judicial review does not extend to re-appreciation of evidence or substitution of the Court's view

for that of the statutory authority. Interference is warranted only when the order is vitiated by manifest illegality, perversity, jurisdictional error, or violation of principles of natural justice. The test is not whether another view is possible, but whether the decision is so arbitrary or unreasonable that no reasonable authority could have arrived at it.

- 33.** In the present case, the petitioner has not been able to demonstrate that the impugned order dated 22.05.2023 suffers from any such vice. The Board of Revenue has not finally adjudicated the comparative merits nor has it conferred any right upon respondent No. 5; rather, it has directed reconsideration in accordance with law. The challenge raised by the petitioner is essentially premised on the ground of long continuance and concurrent findings, which, though relevant considerations, do not by themselves render the revisional order per se illegal in absence of a demonstrated jurisdictional flaw.
- 34.** The fact that the petitioner has continued on the post for more than a decade cannot, in the peculiar statutory scheme governing appointment of Kotwars, crystallize into an indefeasible right, especially when the revisional authority has found it appropriate to remand the matter for fresh consideration. Continuation in service, if subject to statutory scrutiny, remains open to examination within the framework of law.
- 35.** In the considered opinion of this Court, the writ petition does not

disclose any ground warranting interference in exercise of extraordinary and discretionary jurisdiction under Article 226 of the Constitution of India. The impugned order represents an exercise of statutory revisional power, and this Court would be transgressing the limits of judicial review if it were to substitute its own satisfaction for that of the competent authority.

**36.** Accordingly, the writ petition, being devoid of merit, is hereby **dismissed**. The Tahsildar, Bemetara shall proceed in terms of the directions contained in the impugned order dated 22.05.2023 and conclude the process of appointment under Section 230 of the Code, 1959, expeditiously and strictly in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the rival claimants, and the competent authority shall decide the matter independently.

**37.** 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
28.01.2026	28.02.2026	-----	28.02.2026