

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.456 of 2009**

1. Surendra Kumar, S/o Shri Tikam Sahu, aged about 21 years, Occupation Shiksha Karmi Grade-III, Posted at Primary School Siwar, Janpad Panchayat Berla, District Durg, Chhattisgarh
2. Lekhuram Sahu, S/o Shri Itwari Sahu, aged about 23 years, Occupation Shiksha Karmi Grade-III Posted at Primary School Sarda, Janpad Panchayat Berla, District Durg, Chhattisgarh
3. Dhhanu Lal, S/o Shri Hiralal aged about 36 years, occupation Shiksha Karmi Grade-III Posted at Primary School Sarda, Janpad Panchayat Berla, District Durg, Chhattisgarh
4. Rakesh Kumar, S/o Shri Raipuria, Aged about 24 years, Occupation Shiksha Karmi Grade-III, Posted at Primary School Manglor, Janpad Panchayat Berla, District Durg, Chhattisgarh
5. Deepak Sharma, S/o Shri Lakhan Lal Sharma, aged about 21 years, Occupation Shiksha Karmi Grade-III, Posted at Primary School Belaudikala, Janpad Panchayat Berla, District Durg, Chhattisgarh
6. Manoj Kumar Banjare, S/o Shri Jabbar Singh Sahu, Aged about 30 years, Occupation Shiksha Karmi Grade-III, Posted at Primary School Dewada, Janpad Panchayat Berla, District Durg, Chhattisgarh
7. Ajeet Kumar Baghel, S/o Shri Atmaram, aged about 24 years, occupation Shiksha Karmi Grade-III, Posted at Primary School Matiya Janpad Panchayat Berla, District Durg, Chhattisgarh
8. Rakesh Gupta, S/o Shri Nard Gupta, aged about 25 years, occupation Shiksha Karmi Grade-III, Posted at Primary School Mohabhatta, Janpad Panchayat Berla, District Durg, Chhattisgarh
9. Gopal Prasad Shukla, S/o Shri Nand Kumar Shukla, aged about 24 years, occupation Shiksha Karmi Grade-III, Posted at Primary School Kandarka, Janpad Panchayat Berla, District Durg, Chhattisgarh
10. Sushil Kumar, S/o Shri Khoma Patel, aged about 30 years, Occupation Shiksha Karmi Grade-III, Posted at Primary School Pahanda, Janpad Panchayat Berla, District Durg, Chhattisgarh
11. Posu Das, S/o Shri Purshottam aged about 32 years, occupation Shiksha Karmi Grade-III, Posted at Primary School Accholi, Janpad Panchayat Berla, District Durg, Chhattisgarh
12. Ageshwar, S/o Shri Dhursingh Patil, aged about 26 years, occupation Shiksha Karmi Grade-III, Posted at Dewada, Janpad Panchayat Berla, District Durg, Chhattisgarh
13. Dhan Sai, S/o Shri Mohan Lal, aged about 32 years, occupation Shiksha Karmi Grade-III, Posted at Primary School Dewada, Janpad Panchayat Berla, District Durg, Chhattisgarh

---- Petitioners**versus**

1. State of Chhattisgarh through its Secretary Department of Panchayat and Rural Development, D.K.S. Bhawan Raipur, Chhattisgarh
2. Collector, Durg, Chhattisgarh
3. Jila Panchayat Durg through its Chief Executive Officer, District Durg, Chhattisgarh
4. Janpad Panchayat Berla through its Chief Executive Officer, District Durg, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Vinay Pandey, Advocate
For State/Respondents No.1&2	:	Shri B. Gopa Kumar, Deputy Advocate General
For Respondent No.4	:	Shri Akhilesh Mishra, Advocate appears on behalf of Shri Jitendra Nande, Advocate

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

14/12/2015

1. Heard Learned Counsel for the Petitioners, the State and Respondent No.4.
2. The Petitioners are aggrieved by order dated 14.1.2009 terminating their appointments made on 5.7.2008 as Shiksha Karmi Grade-III in Janpad Panchayat Berla, District Durg under the Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Service) Rules, 2007 on the reasoning that their D.Ed. qualifications were forged.
3. Learned Counsel for the Petitioners submits that the order was in violation of the principles of natural justice and therefore the operation of the impugned order was stayed on 27.1.2009 pursuant to which they are still working.
4. The counter-affidavit does not contend compliance with principles of natural justice granting opportunity of defence but only refers to an inquiry conducted by the Respondents at their own level.
5. No order to the prejudice of a person, especially with regard to termination can be passed in violation of principles of natural justice. Forgery is a question of fact. There has to be at least a preliminary inquiry with opportunity of defence to arrive at a *prima facie* conclusion, and which is completely wanting. The interim order dated 27.1.2009 is made absolute coupled with directions to Respondent No.4 that he must complete the inquiry with regard to any forged D.Ed. Certificates of the

Petitioners within a maximum period of three months from the date of receipt and/or production of a copy of this order.

6. The order has been passed in presence of Learned Counsel for Respondent No.4. Liberty is granted to Respondent No.4 to also, if necessary, proceed *ex parte* with the inquiry if the Petitioners do not cooperate. But, in that event Respondent No.4 shall record the reasons for proceeding *ex parte* and the efforts made to persuade the Petitioners to participate.

7. The writ application is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE