

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1827 of 2015**

- Narayan Prasad Sonwani S/o Late Shri K. S. Motilal Sonwani Aged About 53 years (Terminated Accountant, In The Office Of Block Education Officer, Sakti, District Janjgir Champa) R/o Village Ranigaon, Post Office Lavsara, Police Station Baradwar, Tahsil Sakti, District Janjgir Champa, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, School Education Department, Mantralaya Bhawan, Naya Raipur, Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. Director, Directorate Public Instruction, Raipur, Police Station Civil Lines Raipur, District Raipur, (Chhattisgarh)
3. District Education Officer, Janjgir, District Janjgir Champa, (Chhattisgarh)
4. Block Education Officer, Sakti, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ashok Kumar Swarnakar, Advocate
For Respondent/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

12/05/2015

1. Petitioner is assailing the legality and validity of the order Annexure P-6, passed on 8-8-2013, by the District Education Officer, Janjgir-Champa, whereby the petitioner has been dismissed from services on account of his conviction under Section 307 IPC and sentence of RI for ten years, imposed by the Second ASJ, Janjgir-Champa, in Sessions Trial No.256/2011. Appeal preferred by the petitioner has also been dismissed by the appellate authority.

2. Learned counsel for the petitioner would submit that the respondents have not initiated any departmental enquiry and the petitioner has been dismissed from services only on the basis of his conviction, therefore, the petitioner having already been released on bail upon suspension of his sentence by the High Court in Criminal Appeal No.544/13, deserves to be reinstated, as long as, the conviction is not affirmed by the High Court.
3. In the considered opinion of this Court, once the appellant stands convicted and the said conviction has not been stayed, the employer is fully justified and within the bounds of the law to terminate the petitioner even without holding any enquiry in view of the provisions contained in Rule 10 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (for short 'the Rules, 1966).
4. For the foregoing, the writ petition has no merit, it deserves to be and is hereby dismissed. However, liberty is reserved in favour of the petitioner to move again in the event his criminal appeal succeeds before the High Court.

JUDGE

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