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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 958 / 2004

PETITIONER:

Smt. Sunita Saksena
W/o Shri Pramod Kumar Shrivastava,
Aged about 38 Years R/O Gitanjali
Vihar ,Ameri Road , Nehru Nagar, Bilaspur
Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS:

- [1] Secretary
Shikshan Samiti,
(Managing Committee)
Mohanty Girls Higher Secondary School ,
Tilak Nagar, Bilaspur, (C.G.)
- [2] District Education Officer
(School Education)
Bilaspur. (C.G.)
- [3] Director of Public Instruction
Bilaspur Division
Bilaspur.(Chhattisgarh)
- [4] Principal ,
Mohanty Girls Higher Secondary School
Tilak Nagar, Bilaspur. (C.G.)

P. R. No. 958/04
Presented by Shri A.D. Divy
27.12.04

20-COPY
27/12/04
to A.G. Bilaspur

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS,
HABEAS CORPUS, QUO WARRANTO ETC OR ANY OTHER DIRECTIONS OR ORDER TO DO
JUSTICE.**

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HIGH COURT OF CHHATTISGARH, BILASPUR

SB : Hon'ble Shri Sanjay K. Agrawal, J.

WRIT PETITION NO. 958 OF 2004

PETITIONER : Smt. Sunita Saksena

Versus

RESPONDENTS : Secretary, Shikshan Samiti, Mohanty Girls
Higher Secondary School, Bilaspur and others.

Writ Petition under Article 226/227 of the Constitution of India

Appearance: Mr. Sunil Otwani, counsel for the petitioner.
Mr. Malay Shrivastava, counsel for respondents No. 1 & 4.
Mr. Arvind Dubey, P.L. for respondents No. 2 & 3/State.

ORDER
(30-01-2015)

Heard.

2. This writ petition has been filed against the order dated 29-10-2003 passed by respondent No.1 – Secretary, Shikshan Samiti, Mohanti Girls Higher Secondary School, Bilaspur terminating the services of the petitioner.
3. Learned counsel appearing for respondents No. 1 & 4 submits that the order is appealable before respondent No.3, Director of Public Instruction, Chhattisgarh by virtue of Section 6 of the Chhattisgarh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetan Ka Sandaya) Adhiniyam, 1978 (for short "Adhiniyam, 1978").
4. Since the petitioner has alternative statutory remedy under the Adhiniyam, 1978, this Court is not inclined to entertain this writ petition.



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5. At this stage, Mr. Otwani, learned counsel appearing for the petitioner submits that he be permitted to withdraw the present writ petition with liberty to file an appeal before respondent No.3 - Director of Public Instruction, Bilaspur Chhattisgarh.

6. The prayer appears to be fair and reasonable. If the petitioner files an appeal against the order dated 29-10-2003, passed by respondent No. 1, before respondent No.3 within forty five days from today, respondent No. 3 shall call for the original record along with the proceedings and notice to the interested parties and thereafter decide the appeal by a reasoned order within three months, from the date of receipt of certified copy of this order, in accordance with law.

7. Consequently, the instant petition is disposed of in the aforesaid terms.

Sd/-
Sanjay K. Agrawal
Judge