

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2986 of 2015

- Dr. Manjit Kaur Bal D/o Shri D. S. Bal Aged About 39 Years R/o D- 6, Thakur Pyarelal Panchayat & Gramin Vikas Sansthan, Nimora, P. O. Mana Basti, Raipur, District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary- Cum- Additional Chief Secretary, Department Of Panchayat And Rural Development, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Director, Thakur Pyarelal Panchayat & Gramin Vikas Sansthan, Nimora, P. O. Mana Basti, Raipur, District Raipur (Chhattisgarh)
3. Bhavani Shankar Tiwari Deputy Director (Rtd.), 404-A Harsh Tower Devpuri, Mana, Raipur District Raipur (Chhattisgarh)
4. Lalit Kishore Sharma S/o Shri Baleshwar Sharma Aged About 50 Years R/o Women Polytechnic Campus, Bairon Bazar, Raipur District Raipur (Chhattisgarh)

---- Respondent

For Petitioners	Mr. Animesh Verma, Advocate
For Respondent/State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
C A V Order

19/08/2015

The petitioner has been appointed on contract basis on the post of Faculty Member (Livelihood) in Thakur Pyarelal Panchayat and Gramin Vikas Sansthan, Nimora, District Raipur. She is aggrieved by the show cause notice issued by the Director of the said Institute on 10.08.2015, seeking reply from the petitioner as to why her contract services should not be put to an end.

(2) Learned counsel for the petitioner would submit that even

otherwise, the period of contract service of the petitioner would come to an end in the month of August 2015 itself, therefore, the impugned notice, which has the origin in a proceeding initiated by respondent No.3 before the Chhattisgarh Lokayukht, is mala fide and illegal.

(3) It is a well settled principle of law that ordinarily a writ petition would not lie against the show cause notice unless it is shown to the satisfaction of the Court that the authority issuing the notice has no jurisdiction over the matter (See Union of India and another vs. Kunisetty Satyanarayana¹, Special Director and another vs. Mohd. Ghulam Ghouse and another², Executive Engineer, Bihar State Housing Board vs. Ramesh Kumar Singh and others³, and State of Uttar Pradesh vs. Shri Brahm Datt Sharma and another⁴).

(4) In the case at hand, the petitioner has already submitted her reply on 12.08.2015, however, without waiting for the outcome of the decision, the petitioner has preferred this writ petition, therefore, the same is premature.

(5) In absence of any contention that the authority issuing the show cause notice has no jurisdiction over the matter, this Court does not find any ground for entertaining the writ petition.

(6) In the result, the writ petition is liable to be and is hereby dismissed at the motion stage itself.

Judge

(Prashant Kumar Mishra)

Gowri

1 AIR 2007 SC 906
2 2004 AIR SCW 416
3 1996 (1) SCC 327
4 AIR 1987 SC 943