

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 179 of 2015

Rohit Kumar Sahu S/o Kartik Ram Sahu Aged About 40 Years Posted Government Primary School Biretara, Block Dhamtari, District Dhamtari, R/o Sambalpur, P. S. Arjuni, Distt. Dhamtari, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of Panchayat, Mantralaya, Mahanadi Bhawan, Naya Raipur, P. S. Rakhi, District Raipur, (Chhattisgarh)
2. Commissioner, Raipur Division, Raipur, (Chhattisgarh)
3. Collector, Dhamtari, Collectorate Campus, Dhamtari, District Dhamtari, (Chhattisgarh)
4. Additional Collector, Dhamtari, Collectorate Campus Dhamtari, District Dhamtari, (Chhattisgarh)
5. Chief Executive Officer, Jila Panchayat Dhamtari, District Dhamtari, (Chhattisgarh)
6. Chief Executive Officer, Janpad Panchayat Dhamtari, District Dhamtari, (Chhattisgarh)
7. District Education Officer, Dhamtari, District Dhamtari, (Chhattisgarh)
8. Block Education Officer, Dhamtari, District Dhamtari, (Chhattisgarh)
9. Head Master, Government Primary School Biretara, Block Dhamtari, District Dhamtari, (Chhattisgarh)
10. Shivaji Sahu S/o Heeralal Sahu Aged About 53 Years R/o Sahubada Dhamtari, District Dhamtari, (Chhattisgarh)

---- Respondents

For Petitioner	-	Shri Alok Bakshi, Advocate
For Respondents No.1 to 4, 7, 8 & 9/State	-	Shri Manish Nigam, Panel Lawyer

Order On Board

19/08/2015

Heard.

1. The petitioner has filed this petition aggrieved on account of direction issued by respondent

No.4 to respondent No.6 for getting FIR registered against the petitioner.

2. Learned counsel for the petitioner submits that on a mere complaint without making any enquiry, the Additional Collector has directed the FIR to be registered against the petitioner.

3. Learned counsel for the petitioner, referring to the documents on record, submits that earlier a notice was issued to the Reporting Authority/ Head Master for giving remarks, on which, the Head Master admitted having wrongly given the remarks. Thereafter, another enquiry has been initiated against the petitioner on the allegation that the applicant, himself, has prepared his Confidential Report, though during the relevant period, he was on suspension. The enquiry is presently pending.

4. The Additional Collector has directed the Chief Executive Officer, Janpad Panchayat to lodge FIR. This Court cannot restrain any authority or person from lodging FIR. However, considering the submission of learned counsel for the petitioner, the petitioner may submit appropriate representation to the CEO, Janpad Panchayat bringing to his notice all the facts which have been stated in this petition and the concerned authority shall duly apply its mind before taking any action against the petitioner. In the event, the police registers any FIR against the petitioner, it shall always be open for the petitioner to take recourse to appropriate legal remedy as may be available to him under the law.

5. With the aforesaid observations, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha