

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3008 of 2015

- Vishnu Prasad S/o Late Shri Mohan Lal, Aged About 34 Years
Caste- Kurmi, R/o Village- Kuriyari, P.S. Shivrinarayan, Tahsil-
Nawagarh, Civil & Revenue District- Janjgir-Champa,
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
School Education, Mahanadi Mantralaya, Naya Raipur, Post Office
& Police Station Naya Raipur, District- Raipur (Chhattisgarh)
2. The Collector, Janjgir, Civil & Revenue District- Janjgir-Champa,
(Chhattisgarh)
3. The District Education Officer, Janjgir, Civil & Revenue District-
Janjgir-Champa, (Chhattisgarh)
4. The Block Education Officer, Nawagarh, Civil & Revenue District-
Janjgir-Champa, (Chhattisgarh)
5. The Chief Executive Officer, District- Janjgir, Civil & Revenue
District- Janjgir-Champa, (Chhattisgarh)
6. The Head Master, Government Middle School Kuriyari, Police
Station- Shivrinarayan, Tahsil & Janpad Panchayat- Nawagarh, Civil
& Revenue District- Janjgir-Champa, (Chhattisgarh)
7. Kartik Ram Nirala, S/o Shri Rajaram Nirala, Aged About 46 Years
Presently Posted And Working As Head Master, Government
Middle School Kuriyari, Police Station- Shivrinarayan, Tahsil &
Janpad Panchayat- Nawagarh, Civil & Revenue District- Janjgir-
Champa, (Chhattisgarh)
8. Manoj Kumar Sahish, Presently Posted And Working As Sweeper,
Government Middle School Kuriyari, Police Station- Shivrinarayan,
Tahsil & Janpad Panchayat- Nawagarh, Civil & Revenue District-
Janjgir-Champa, (Chhattisgarh)

Respondents

For Petitioner
For Respondent/State

Mr. Vivek Kumar Agarwal, Advocate
Mr. Y.S. Thakur, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

20/8/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is aggrieved by his removal/discontinuance from the post of part-time Sweeper of Government Middle School, Kuriyari Block Nawagarh District Janjgir-Champa.

(3) Material placed before this Court would indicate that the petitioner was habituated in dereliction of duty; hurling abuse on the students; on instructions by the Head Master to mend ways, abusing and criminally intimidating the Head Master and attending duties in a state of intoxication.

(4) For the above said reasons, the School Management and Development Committee passed a resolution on 29.01.2014 for petitioner's removal, which was duly approved by the District Education Officer on 22.09.2014 (Annexure P/4).

(5) Learned counsel for the petitioner would submit that the Collector, Janjgir-Champa has issued a communication on 21.07.2014 that part-time Sweepers may not be removed from office without approval of the District Education Officer, therefore, the resolution (Annexure P/1) is bad in law.

(6) It is to be seen that the District Education Officer has passed a detailed order on 22.09.2014 approving removal of the petitioner, therefore, it is not a case where there is no approval of the District Education Officer.

(7) Moreover, in view of the fact that the petitioner is not holding regular post and was only engaged as a part-time Sweeper, the nature of allegations do not entitle him to remain a part-time Sweeper and his removal does not suffer from any infirmity.

(8) There is no substance in the writ petition and the same deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna