

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2029 OF 2015**

1. Smt. Durga Chouhan W/o Shri Harisingh Chouhan aged about 60 years
Lecturer (Hindi) Govt. MLB Girl Higher Secondary School Rajnandgaon
R/o Vivekanand Nagar Behind Raj Pipe P.S. Rajnandgaon Civil and
Revenue District Rajnandgaon (CG)
2. Smt. Manju Upadhyay W/o Shri K.N. Upadhyay Aged about 33 years
Govt. MLB Girl Higher Secondary School Rajnandgaon R/o House No.38
Shakti Nagar G.E. Road Rajnandgaon P.S. Rajnandgaon Civil and
Revenue District Rajnandgaon (CG)
3. Shri Dilip Kumar Sahu S/o Late Shri Rumlal Sahu aged about 52 years
Lecturer (Hindi) Govt. Higher Secondary School Dhelkadih R/o Basantpur
Ward No.46 Mahamaya Chowk Rajnandgaon P.S. Rajnandgaon Civil and
Revenue District Rajnandgaon (CG)
4. Shri Kunjilal Painkra S/o Babulal Painkra aged about 45 years Lecturer
(Hindi) Govt. Higher Secondary School Tilai Block and P.S. Rajnandgaon
R/o C/o Ravi Ilamkar Shantinagar Ward No. 11 Rajnandgaon Civil and
Revenue District Rajnandgaon (CG)

---Petitioners**Versus**

1. State of Chhattisgarh through Secretary School Education Department
Mantralaya Mahanadi Bhawan Naya Raipur District Raipur (CG)
2. The Director Public Education Directorate Raipur District Raipur (CG)
3. District Education Officer Rajnandgaon District Rajnandgaon (CG)

----Respondents

For Petitioners	:	Mr. Ajit Singh, Advocate
For Respondents/State	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/11/2015**

1. Learned counsel for the parties would submit that instant writ
petition is covered with decision rendered by this Court in Writ Petition(S)

No.2047 of 2015 (*Savita Mandavi v. State of Chhattisgarh and Others*) vide order dated 2.11.2015, in which, this Court has observed as under:-

“9. It is not in dispute that the petitioners were granted promotion by orders dated 19.6.2012 on the post of Lecturer and they were working on the said promoted post since the date of their joining pursuant to the orders of promotion. It is also not in dispute that no opportunity of hearing was granted to the petitioners before cancelling their order of promotion dated 19.6.2012 by order dated 30.4.2015.

10. It is well settled that there is duty to give opportunity to show-cause to adversely effected person before setting aside/quashing the administrative order passed in favour of a person so that he can meet with the show-cause notice and file his reply and defend himself properly.

11. In the matter of **Gajanan L. Pernekar v. State of Goa and another¹**, their Lordships of the Supreme Court held in paragraph-8 as under:-

“8..... That benefit could not have been taken away from the appellant without affording him any opportunity of hearing, even where the absorption as headmaster of the High School had been put in issue. The principles of natural justice have been respected in their breach. The order dated 21-1-1999/22-1-1999 was made by the respondents influenced by the observations contained in para 2 of the order of the High Court (supra), which observations, we have already found, were not at all called for. In the facts and circumstances of the case, the order dated 21-1-1999/22-1-1999 cannot be sustained and we accordingly set it aside.....”

12. In view of the law laid-down by the Supreme Court in above-stated case and in view of the admitted position that order of promotion of the petitioners were set aside without giving an opportunity of hearing to them, the orders dated 30.4.2015 (Annexure P/1 in both cases) are hereby quashed. Matter is

¹ (1999) 8 SCC 378

remanded to the respondent No.2. The respondent No.2 is directed to hear the effected parties/concerned parties and to pass the orders afresh in accordance with law expeditiously.

13. With the aforesaid observation, the writ petitions are allowed to the extent indicated hereinabove. No order as to cost(s)”

2. Accepting the submission of the parties and the similar terms as contained in paragraph-12 of Writ Petition(S) No.2047 of 2015 (*Savita Mandavi v. State of Chhattisgarh and Others* (supra)), this writ petition is disposed of accordingly.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari