

IN THE HIGH COURT OF JUDICATURE : CG : BILASPUR

WRIT PETITION (C) NO : 1819 OF 2013

PETITIONERS : Non Aided Private College Professors Union
(गैर अनुदान प्राप्त अशासकीय महाविद्यालय प्राध्यापक संघ)
Through : The President
गैर अनुदान प्राप्त अशासकीय महाविद्यालय
प्राध्यापक संघ,
office at : r/o Shri Subir Sen
17/361, Sarju Bagicha
Masanganj - Bilaspur CG

18/9/13
Anurag Dey
11/12/13
T. S. No.
Proposed by Sar.
Anand.

- **VERSUS** -

- RESPONDENTS** :
1. State of Chhattisgarh
Through :
The Secretary to the Govt. of
Chhattisgarh
Department of Higher Education
Mantralaya : Mahanadi Bhawan, Naya
Raipur : PS-Rakhi, Raipur CG
 2. The Collector : Bilaspur
Bilaspur CG
 3. The Principal
D.P. Vipra College,
Old High Court Road, Bilaspur
PS-City Kotwali, Bilaspur CG
 4. Snatak Mahavidyalaya Shikshan Samiti
Through : The Chairman
Snatak Mahavidyalaya Shikshan Samiti
D.P.Vipra College : Old High Court
Road, Bilaspur, PS-City Kotwali, Bilaspur
CG



WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA

The Petitioner respectfully submits as under :

Asmanganj



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HIGH COURT OF CHHATTISGARH : BILASPUR

SB : HON'BLE SHRI JUSTICE MANINDRA MOHAN SHRIVASTAVA

Writ Petition (C) No.1819 of 2013

PETITIONER

Non-Aided Private College Professors
Union

Versus

RESPONDENTS

State of Chhattisgarh and Ors.

Appearance:

Shri Anurag Dayal Shrivastava, counsel for the petitioner.

Shri Ramakant Mishra, Dy. A.G. for the State/respondents No.
1 & 2.

None appears for respondent No.3 despite service of notice.

Shri Sudeep Agrawal and Shri Vivek Chopda, counsel for
respondent No.4 (proceeded ex parte).

Shri B.D. Guru, counsel for the intervener.

ORAL -ORDER

(Passed on 2nd February, 2015)

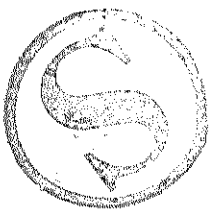
Heard on admission.

2. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for quashing of letter dated 31.10.2013 (Annexure P-1) issued by the State Govt.
3. Learned counsel for the petitioner submits that the State Govt. had issued a direction on 20th September, 2013 (Annexure P-4) directing the Collector to register offence against those who were found guilty in an inquiry made under the direction of the Govt. He submits that thereafter, the Collector directed the Principal to submit a report before the S.H.O. on 23rd October, 2013. However, thereafter, the State Govt. again issued impugned order

dated 31.10.2013 (Annexure P-1), directing the Collector not to lodge FIR till the Shikshan Samiti is afforded an opportunity of hearing.

4. Submission of learned counsel for the petitioner is that such direction could not be issued by the State Govt. not to lodge FIR. He submits that a detailed inquiry was conducted and certain persons were found guilty and, therefore, on that basis, the State Govt. had issued a direction on 20th September, 2013 for lodging report in the police station. Once a report was submitted in the police station by the Principal on the direction of the Collector, the State Govt. could not have interfered in the matter and defer lodging of report. Reliance has been placed in the case of **State of Maharashtra and Ors. Vs. Sarangdharsingh Shivdassingh Chavan and another**¹.
5. On the other hand, learned counsel for the State submits that the State Govt. had also issued a direction to lodge FIR, but when the Govt. received representation from Shikshan Samiti, it thought it proper not to proceed in the matter till the version of the Shikshan Samiti is considered and it was in that spirit that order dated 31.10.2013 (Annexure P-1) was issued. He submits that if a report has been submitted in the police station, it is for the concerned police authority to proceed or not to proceed in the matter.
6. It appears that earlier the State Govt. had directed the Collector to take action and lodge FIR on the basis of certain inquiry held and report submitted. Later on, the concerned Shikshan Samiti had submitted a representation requesting the State Govt. to consider their representation before giving effect to the direction of lodging FIR. Apparently, in view of this, the State Govt. has proceeded to pass order dated 31.10.2013. The order shows that the State Govt. issued a direction to the Collector not to proceed

¹ (2011) 1 SCC 577



with FIR till the Shikshan Samiti is afforded an opportunity of hearing.

7. Be that as it may, in the meantime, on the basis of the instructions of the Collector, the Principal has submitted a report/complaint in the police station. Therefore, it is for the police authority to take action in accordance with law. This petition is only confined against the order passed by the State Govt. There is no relief sought against the police officials to register FIR. The petitioner otherwise also has remedy under Section 200 of the Cr.P.C., if according to the petitioner, the police is not registering FIR for any reason.
8. At this stage, no further orders are required to be passed in the matter. It is needles to observe that if any report has been submitted in the police station, it is open for the police authority to act in accordance with law.
9. With the aforesaid observations, the petition is finally disposed off.

Sd-/
Manindra Mohan Shrivastava
Judge

Praveen