

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.4543 of 2007

Ku. Soma Biswas, D/o Shri S.K.Biswas, aged about 20 years, R/o Village Kusum Kasa, Tahsil Balod, District Durg, Chhattisgarh

---Petitioner

versus

1. State of Chhattisgarh, through Secretary, Department of Education, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Collector, District Durg, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat, Dondi, District Durg, Chhattisgarh
4. Principal, High School, Chipara, Block Dondi, District Durg, Chhattisgarh

---- Respondents

For Petitioner : Shri Govind Dewangan, Advocate
For State/Respondents No.1,2&4 : Shri U.N.S. Deo, Government Advocate

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

4/3/2016

1. The writ petition assails order of termination dated 12.7.2007 from the post of Shiksha Karmi Grade-III on the ground that the Petitioner was under age on the date of appointment.
2. Learned Counsel for the Petitioner submits that according to the advertisement the candidate was required to be between 18 to 35 years of age on 1.7.2006. Relying on the Chhattisgarh Board of Secondary Education Mark-Sheet, it is submitted that her date of birth is 11.6.1988. She was thus more than 18 years of age on 1.7.2006. The order of termination was passed in violation of principles of the natural justice. If opportunity would have been provided, she could have persuaded the authorities with regard to the validity of her appointment.
3. The writ petition was filed on 25.7.2007. No counter-affidavit has been filed till date.

4. The Court is not inclined to keep the writ petition pending now to call for a counter-affidavit. The writ petition is therefore disposed with a direction to the Chief Executive Officer, Janpad Panchayat, Dondi to examine the grievance of the Petitioner and her claims based on the Chhattisgarh Board of Secondary Education Mark-Sheet that her date of birth was 11.6.1988 and therefore she was over 18 years of age on 1.7.2006. The Chief Executive Officer is required to pass a reasoned and speaking order in accordance with law.

5. If the Respondent Chief Executive Officer, Janpad Panchayat Dondi finds that the Petitioner was wronged, he is required to pass necessary appropriate orders for reinstatement of the Petitioner. The plea that in the meantime another may have been appointed is considered irrelevant once the reappointment is ordered pursuant to direction for consideration by the Court.

6. In the event that the Petitioner is found entitled for appointment, she will be entitled only to seniority and continuity in service from the date of initial appointment.

7. Let such consideration be done and a reasoned and speaking order be passed by the Chief Executive Officer, Janpad Panchayat, Dondi within a maximum period of two months from the date of receipt and/or production of a copy of this order.

8. The writ petition is disposed in the aforesaid terms.

Sd/-
(Navin Sinha)
CHIEF JUSTICE