

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7056 of 2011

- Subir Sen S/o Shri R.B. Sen, aged about 50 years, R/o 17/361, Sarju Bagicha, Azad Nagar Bilaspur CG

---- Petitioner

Versus

1. State Of Chhattisgarh through Secretary, Department of Higher Education, Mantralaya, DKS Bhawan, Raipur (CG)
2. D.P. Vipra Snatykottar Mahavidyalaya Bilaspur Through Principal D.P. Vipra Snatykottar Mahavidyalaya Bilaspur CG
3. P.K. Tiwari Incharge Principal D.P. Vipra Snatykottar Mahavidyalaya Bilaspur CG
4. R.N. Shukl Chairman Governing Body D.P, Vipra Snatykottar Mahavidyala Bilaspur CG

---- Respondent

For Petitioner	Mr. Gagan Tiwari, Advocate
For Respondent/State	Mr. Y.S. Thakur, Dy. A.G.
For Respondent/College	Mr. Saurabh Sharma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/2/2016

1. Heard.
2. The order under challenge in this petition under Article 226 of the Constitution of India is the adverse entry in the service book. The said entry was made by the Principal of respondent No.2 -College, which is a fully aided private College. The other relief prayed in this petition is for taking action against respondent

No.4, however, during pendency of the writ petition, respondent No.4 has superannuated. Thus, relief clause No.10.4 has become infructuous.

3. In so far as the relief for removal of adverse entry in the service book is concerned, it is stated by learned counsel for respondent No.2-College that the petitioner has an alternative remedy of preferring an appeal before the Governing Body in terms of Section 32 of Statute No.28 (College Code) framed by the Bilaspur University.
4. In view of the above, the writ petition is disposed of with a direction that in the event, the petitioner prefers an appeal before the Governing Body of respondent No.2 College seeking to expunge the adverse entry in his service book within a period of 30 days from today, the Governing Body shall consider and decide the appeal on its own merits by a reasoned order, at the earliest, preferably within a period of 3 months from the date of presentation of appeal.

Sd/-

Judge

(Prashant Kumar Mishra)