

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 565 OF 2015

T. Radhakrishnan S/o Late Shri C. Thankappan, aged about 58 years, I.A.S. Director, Tribal Research and Training Institute, Deendayal Upadhyay Nagar, Raipur 492010, R/o C 1/1 Devendra Nagar, Officers Colony, Raipur (C.G.)

... Appellant

Versus

1. State of Chhattisgarh, through the Chief Secretary, Mantralaya, Mahandi Bhawan, New Raipur 492002
2. State of Chhattisgarh, through the Secretary, Education Department, Mantralaya, Mahandi Bhawan, New Raipur 492002
3. Chhattisgarh Board of Secondary Education, through the Secretary, Pensionbada, Raipur 492001
4. The Secretary, Chhattisgarh Board of Secondary Education, Pensionbada, Raipur 492001
5. Shri K.D.P. Rao, Chairman Chhattisgarh Board of Secondary Education, Pensionbada, Raipur 492001
6. Board of School and Technical Education, through the Secretary, A-6, Nature City, Mungeli Road, Bilaspur 495001

... Respondents

For Appellant	:	Mr. Romir Sumit Goyal, Advocate.
For Respondent-State	:	Mr. U.N.S. Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

07/01/2016

1. The present appeal arises from order dated 7.7.2015 in Writ Petition (S) No. 2411 of 2015. The Learned Single Judge dismissed the writ petition observing it to be premature but granting liberty to move at the appropriate time before appropriate forum.
2. Learned Counsel for the Appellant submits that the observation to the effect that the Petitioner would be at liberty to move before appropriate forum having jurisdiction in the matter effectively debars the Petitioner from approaching the Court under Article 226 of the Constitution.

3. We regret not to concur with the Appellant. Whether jurisdiction would lie under Article 226 or not, and whether the appropriate forum at the first stage would be any other authority or body under some other statutory provisions, are all questions of facts which would arise for consideration when an order is passed with which the Appellant may be aggrieved. In the absence of any order by which he is aggrieved, the whole issue is academic at the moment.

4. The writ appeal is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge