

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 69 of 2016**

- Vinod Kumar Das S/o Shri Viranchi Das, Aged About 35 Years Caste-Bramhan, R/o Basna, Beside Veterinary Hospital, Ward No.1, District Mahasamund, (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Director Of Public Education, Department Of Education, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
3. District Education Officer, Mahasamund, Distt. Mahasamund, (Chhattisgarh)
4. Block Education Officer, Basna, District Mahasamund, (Chhattisgarh)
5. Collector, Mahasamund, District Mahasamund, (Chhattisgarh)
6. Baikunth Kumar Pradhan, S/o Pavitra Kolta, Posted As Senior Accountant/ Clerk At Block Education Office, Basna, District Mahasamund, (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Shri Vimlesh Bajpai, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/01/2016**

1. Petitioner has raised the grievance that respondent No.6 stands convicted in a case under Section 457 & 380 IPC by the Court of Chief Judicial Magistrate, Mahasamund and the said conviction and sentence has been maintained by the Supreme Court in Criminal Appeal No.419/1979, yet respondent No.6 is continuing in the service and the application preferred by

the petitioner for making enquiry into the matter has not been considered by the officers of the education department or by the district Collector.

2. Shri Bajpai, learned counsel for the petitioner would draw attention of the Court to a communication issued from the office of Sub-Divisional Officer(R), Saraipali, addressed to the Collector, Mahasamund on 25-9-15 (Annexure P-2) admitting the fact of conviction of respondent No.6 and his continuance in the service, yet no action has been taken.
3. Considering the gravity of allegations, the writ petition is disposed of with a direction that the petitioner shall submit fresh representation before the respondent No.5 Collector, Mahasamund within a period of 15 days from today. On such representation being filed, the Collector, Mahasamund shall make enquiry and take appropriate decision in the matter after hearing respondent No.6 and pass a reasoned order concerning the fate and continuance of the service of respondent No.6.

Sd/-

Judge
Prashant Kumar Mishra

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