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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1865 of 2016**

Ageshwar S/o Shri Dhur Singh Patil, Aged About 33 Years Occupation Shiksha Karmi, Grade- III, Primary School Singhouri Under Janpad Panchayat Berla, R/o Village And Post Keshtara, Tahsil Saja, District Bemetara, (Chhattisgarh)

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through: The Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Rakhi, New Raipur, District Raipur, (Chhattisgarh)
2. The District Collector, Bemetara, Tahsil And District Bemetara, (Chhattisgarh)
3. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara, (Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat Berla, Tahsil Berla, District Bemetara, (Chhattisgarh)

---- Respondents

**AND**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1879 of 2016**

Lekhu Ram Sahu S/o Shri Itwari Sahu, Aged About 30 Years Occupation Shiksha Karmi Grade III, Primary School Mudparkala Under Janpad Panchayat Berla R/o Chandini Chowk, Ahiwara, Ward No. 3, Village And Post Ahiwara, Tahsil Damdha, District Bemetara Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary Panchayat & Rural Development Department, Mahanadi Bhawan, Rakhi, New Raipur, District Raipur Chhattisgarh
2. The District Collector, Bemetara, Tahsil District Bemetara Chhattisgarh

3. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Berla, Tahsil Berla, District Bemetara Chhattisgarh

---- Respondents

AND

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1917 of 2016**

Sushil Kumar S/o Shri Khoma Patel, Aged About 37 Years Occupation Shiksha Karmi, Grade III, Primary School Boriya Under Janpad Panchayat Berla R/o Village Pendritarai, Post Semariya, Nandini Nagar, District Bemetara Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary Panchayat & Rural Development Department Mahandi Bhawan, Rakhi, New Raipur, District Raipur Chhattisgarh
2. The District Collector, Bemetara, Tahsil And District Bemetara Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Berla, Tahsil Berla, District Bemetara Chhattisgarh

---- Respondents

AND

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1923 of 2016**

Dhan Sai S/o Shri Mohanlal, Aged About 39 Years Occupation Shiksha Karmi, Grade III, Primary School, Peeparpara, Block Mungeli, R/o Village Chuchrungpur, Post Rajpur, Tahsil & District Mungeli Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through : The Secretary Panchayat & Rural Development Department, Mahanadi Bhawan, Rakhi, New Raipur, District Raipur Chhattisgarh
2. The District Collector, Bemetara, Tahsil And District Bemetara, (Chhattisgarh)
3. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara, (Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat Berla, Tahsil Berla, District Bemetara, (Chhattisgarh)

---- Respondents

**AND**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1927 of 2016**

Rakesh Gupta S/o Shri Narad Gupta, Aged About 32 Years Occupation Shiksha Karmi, Grade - III, Primary School Maniyari, Under Janpad Panchayat Berla R/o Mahamaya Nagar Saja, Tahsil Saja, District Bemetara (Chhattisgarh).

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through : The Secretary Panchayat & Rural Development Department, Mahanadi Bhawan, Rakhi, New Raipur, District Raipur (Chhattisgarh).
2. The District Collector, Bemetara, Tahsil And District Bemetara (Chhattisgarh).
3. The Chief Executive Officer, Zila Panchayat, Bemetara District Bemetara (Chhattisgarh).
4. The Chief Executive Officer , Janpad Panchayat Berla, Tahsil Berla, District Bemetara (Chhattisgarh).

---- Respondents

**AND**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1933 of 2016**

Deepak Sharma Aged About 28 Years Occupation Shiksha Karmi, Grade III, Primary School Khairmana Under Block Lohara, Distict Kabirdham, R/o Village & Post Saja, Tahsil Saja, District Bemetara Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary Panchayat & Rural Development Department, Mahanadi Bhawan Rakhi, New Raipur, District Raipur Chhattisgarh
2. The District Collector, Bemetara, District Bemetara Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Berla, Tahsil Berla, District Bemetara Chhattisgarh

**---- Respondents**

**AND**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 1937 of 2016**

Surendra Kumar S/o Shri Tikam Sahu, Aged About 28 Years Occupation - Shiksha Karmi, Grade III, Primary School Siwar Under Janpad Panchayat Berla R/o Village Anjora, Tahsil & District Rajnandgaon Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through : The Secretary Panchayat & Rural Development Department, Mahandi Bhawan, Rakhi, New Raipur, District Raipur Chhattisgarh
2. The District Collector, Bemetara, Tahsil And District Bemetara Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Berla, Tahsil Berla, District

Bemetara Chhattisgarh

---- Respondents

AND

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 2038 of 2016**

Posu Das S/o Shri Purshottam, Aged About 39 Years Occupation Shiksha Karmi  
Grade- 3 Primary School Accholi Under Janpad Panchayat Berla, R/o Village  
Pendritarai, Post Semariya, Tahsil Damdha, District Bemetara (Chhattisgarh)

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through : The Secretary Panchayat & Rural Development  
Department, Mahanadi Bhawan, Rakhi, New Raipur, District Raipur  
(Chhattisgarh)
2. The District Collector, Bemetara, Tahsil And District Bemetara (Chhattisgarh)
3. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara  
(Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat Berla, Tahsil Berla, District  
Bemetara (Chhattisgarh)

---- Respondents

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|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For Petitioners      | : | Shri Sudeep Verma, Advocate          |
| For Respondent/State | : | Shri Dhiraj Wankhede, Govt. Advocate |

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**S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**13/06/2016**

1. All these petitions are being disposed off by this common order at the motion  
stage itself.

2. The petitioners in these petitions have challenged the order of termination of their services. By the impugned orders passed in respective petitions, the services of the petitioners have been terminated on the ground that at the time of recruitment, the petitioners, in order to seek eligibility and prove better suitability, submitted D.Ed. certificates, which upon inquiry, has been found to be forged document.
3. Learned counsel for the petitioners submits that the finding recorded by the inquiry officer is illegal and improper. The submission is that the certificates were validly issued by the competent authority. It is submitted that proper inquiry has not been made. It is also the case of respective petitioners that for the purposes of appointment to the post of Shiksha Karmi Grade-III, D.Ed. certificate is not an essential qualification. Therefore, even if it is assumed though not admitted that D.Ed. certificates were false or fabricated, it would not make any difference in the matter of selection of the petitioners.
4. On the other hand, learned counsel for the State pointed out that the petitioners have a statutory alternative remedy of filing appeal against the order passed by the Chief Executive Officer as provided under the disciplinary rules.
5. In the first round of litigation, as is disclosed from the pleadings of the case and the orders placed on records, the order of termination of services were challenged by filing writ petitions and the petitions were entertained because this Court found that the orders suffered from procedural impropriety i.e. non-compliance with principles of natural justice. Writ petitions were allowed, termination orders were set aside and the matter was left for the competent authority to decide after giving proper notices.

The records reveal and it is not disputed by any of the parties that thereafter the competent authority issued show cause notices to each of the petitioners. Their replies were obtained, inquiry was made, inquiry report was prepared which culminated in issuance of impugned order in respective petitions by which appointments have been canceled.

6. The challenge to the impugned order is on various grounds but none of the grounds relates to violation of principles of natural justice, absence of jurisdiction

or any concrete allegation of personal malice against the authority who passed impugned order.

7. It is well settled legal position that where there exists an alternative and efficacious remedy of appeal/revision, this Court would not interfere and leave the parties to work out alternative remedy. It is only in extraordinary circumstances that the writ Court may, in its discretion, be inclined to entertain a petition without insisting on exhaustion of alternative remedy. This is not a case where there is any allegation of violation of any fundamental right in the sense that it suffers from patent arbitrariness or violation of principles of natural justice nor is it a case where the challenge to the order of termination is based on incompetence of the authority which has issued the order. There is hardly any allegation to constitute prima facie case of malafide exercise of power. If those grounds are not available, writ Court would not be inclined to entertain the petitions and increase the burden of the Court and instead, leave the petitioners to work out their own remedy available under law. [Please See *Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai* (AIR 1999 SC 22) & *Harbanslal Sahnia and Another Vs. Indian Oil Corporation Ltd. And Ors.* (AIR 2003 SC 2120)].
8. In view of the above consideration, without commenting on merits of the petitioners' claim, I am not inclined to interfere with the impugned orders on the short ground of existence of alternative remedy.
9. The petitions are therefore dismissed, however, with liberty to the petitioners to file appeal before the competent authority. If the petitioners file appeal within the statutory period to be reckoned from today, the appeals shall be entertained by the competent authority without raising any objection on the ground of limitation.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge