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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2072 of 2016**

Vishnu Prasad Rathore S/o Late Shri Shyam Lal Rathore, Aged About 57 Years R/o : B.D. Mahuat Upnagar, Ward No. 07, Janjgir, District Janjgir Champa (Chhattisgarh), P.S. Janjgir

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur (Chhattisgarh)
2. Under Secretary Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur Raipur (Chhattisgarh)
3. Collector, District Janjgir Champa (Chhattisgarh)
4. District Education Officer, Janjgir Champa (Chhattisgarh)
5. Block Education Officer, Nawagarh, District Janjgir Champa (Chhattisgarh)
6. District Mission Coordinator, Rajiv Gandhi Shiksha Mission (Sarv Shiksha Abhiyan), Distt. Janjgir Champa (Chhattisgarh)
7. Cluster Academic Coordinator, Cluster Centre Dhaneli, Block Nawagarh, Distt. Jangir Champa (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. Mateen Siddqui, Advocate
For State:	Mr. Ramakant Mishra, Dy. Advocate General on advance copy.

Hon'ble Shri Manindra Mohan Shrivastava**Order on Board****02.06.2016**

Heard.

2. The challenge in the Petition is an order of suspension dated 02.05.2016.

3 Learned Counsel for the Petitioner submits that the order of suspension is improper for the reason that the Block Education Officer had sanctioned his leave and the authority passing the order of suspension had no knowledge about this fact. Second ground is that

the Petitioner is not responsible for non-distribution of the school uniform to the students. The authorities who passed the order of suspension have not properly appreciated the relevant facts and without making proper inquiry the Petitioner has been suspended.

4. The grounds which has been raised in the Petition could very well be raised before the Appellate authority under Rule 23 of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.

5. The grounds raised in this Petition neither relate to jurisdictional defects, malafide nor violation of principles of natural justice. Therefore, in view of the judgment of the Supreme Court in the Case of **Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai & Others (1998) 8 SCC 1**, there is no extra ordinary reason for this Court to entertain this petition when the Petitioner has come before this Court without exhaustion of alternative remedy.

6. In view of the settled legal position, I am not inclined to entertain this Petition because there exists an alternative statutory remedy of filing an appeal under Rule 23 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 before the appellate authority.

7. Accordingly, the Petition is dismissed as not maintainable.

8. However, it is observed that in case appeal is filed, it shall be decided at the earliest.

Sd/-
(Manindra Mohan Shrivatava)
VACATION JUDGE