

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1003 of 2013

1. Jitednra Yadav S/o Late Shivram Yadav Aged About 34 Years Occupation-Service, Posted As Lab Technician Govt. Mahavidhyalaya Bakabank Distt. Baster, R/o Ward No. 2 Dokarighatpara, Jagdalpur, P.S. Jagdalpur C.G.
2. Jagriti Singh Thakur S/o Ghanshyam Singh Thakur Aged About 28 Years Occupation Service Posted As Lab Technician At Govt. Jaydev Satpathi College Basna Distt. Mahasamund C.G. R/o Village Banjari, Post Jewra, Tahsil & Thana Saranagarh Distt. Raigarh C.G.
3. Swechha Singh Raghuraj Singh Parihar Aged About 30 Years Occupation Service Posted As Lab Technician Govt. College Kawardha C.G. R/o Shanker Nagar Bhoram Dev Road Infront Of Godana Hotel Kawardha, Thana Kawardha, Distt. Kabeerdham C.G.
4. Pravin Thakur S/o Mahendra Singh Thakur Aged About 23 Years Occupation Service Posted As Lab Technician Govt. Veer Gaiind Singh College Pankhajur C.G. R/o Rest House Road Antagarh, Tah & P.S. Antagarh, Distt. Uttar Bastar Kanker C.G.
5. Hitendra Kumar S/o Mani Shankar Borkar Aged About 31 Years Occupation Service Posted As Lab Technician Govt. Sahid Gaiind Singh College Charama C.G. R/o Village Charama, Gurunanak Ward No. 15 Tah & P.S. Charama Distt. Uttar Bastar, Kanker C.G.
6. Leeladhar S/o Sant Ram Aged About 28 Years Mahendra Singh Thakur Occupation Service Posted As Lab Technicain Govt. College Bhakhara C.G. R/o In Front Of Krishna Nagar (Ramnagar) Masjid, C.S.E.B. Road, Raipur Tah & P.S. Raipur Distt. Raipur C.G.

---- Petitioners

Versus

1. State of Chhattisgarh, Through The Secretary Higher Education Department Mantralaya Raipur C.G.
2. Additional Director Directorate Higher Education Raiur Distt. Raipur C.G.
3. Principal Govt. College, Kawardha, Distt. Kabirdham C.G.
4. Commissioner Directorate Higher Education Raipur Distt. Raipur C.G.

---- Respondents

For Petitioners : Mr. Sunil Sahu, Advocate
For State : Mr. D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/08/2016

Heard on admission.

1. This petition has been filed by the petitioners apprehending their termination on the basis of alleged complaint relating to irregularities in the process of selection of Lab Technician and prays for quashing the order impugned passed in note sheet dated 08.02.2013.

2. When the notices were issued by this Court, respondent / State was directed to seek instructions as to whether any fact finding inquiry has been done on the complaint relating to selection of the petitioners and other Lab Technician.
3. In response to the notice, return has been filed by the respondents and it has been stated that though there were certain complaints, till date, respondents have not taken any decision and, therefore, petition is premature. It is also stated that an Enquiry Committee was constituted at the Directorate level, which was not approved mainly because those who are members of the Enquiry Committee were also involved in the process of selection and appointment. However, the State has considered to constitute fresh Committee to examine into the matter, but in view of the Court order to maintain status quo, final decision for handing over of the enquiry and constitution of the Enquiry Committee could not be taken.
4. It appears that on certain complaint of irregularities in the process of selection, the respondents are seized of the matter contemplating enquiry by constituting a Committee. It has been stated that no decision has been taken in the matter in view of the interim order passed by this Court,
5. The petitioners have assailed some noting made in the note sheet. Noting made in the note sheet does not constitute any order of terminating the petitioners from service. As long as the matter of enquiry against the petitioners is pending with the respondents, the petitioners may not have any grievance.
6. In the light of aforesaid consideration, this petition stands disposed off with liberty to revive in case any adverse decision prejudice to the interest of the petitioners is taken.

Sd/-
(Manindra Mohan Shrivastava)
Judge