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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 2970 of 1998**

1. Subhash Chandra Shau, son of Shri Beni Madhav Sahu, aged about 29 years, Occupation: Accountant, Rajiv Gandhi Shiksha Mission, Block: Tamnar, Distt. Raigarh (M.P.)
2. Sukhiram Sahu, S/o. Bhogilal Sahu, aged about 29 years, Accountant, Rajiv Gandhi Shiksha Mission, R/o. Block Kansabel, Distt. Raigarh
3. Harikrishan Patel, S/o. Shri Devcharan Patel, Accountant, R/o. Block Baramkela, Distt. Raigarh (M.P.)
4. Rajesh Kumar Gupta, S/o. Shri N.K. Gupta, Accountant, Rajiv Gandhi Shiksha Mission, R/o. Block Poosore, Distt. Raigarh.
5. Mukesh Singh, S/o. Shri Vishwanath Prasad Singh, Accountant, Rajiv Gandhi Shiksha Mission, R/o. Block Kunkuri, Distt. Raigarh (M.P.)
6. Dipak Kumar Sharma, S/o. Shri Omprakash Sharma, Accountant, Rajiv Gandhi Prathamik Shiksha Mission, R/o. Block Raigarh, Distt. Raigarh (M.P.)
7. Harishankar Patel, S/o. Shri Daulatram Patel, Accountant, Rajiv Gandhi Prathamik Shiksha Mission, District Head Office, Raigarh, Distt. Raigarh (M.P.)
8. Pradeep Singh Rajput, S/o. K.S. Thakur, Accountant, Rajiv Gandhi Prathamik Shiksha Mission, R/o. Block Lailunga, District Raigarh (M.P.)
9. Kamal Kishore Mehar, S/o Shri Sanat Kumar Mehar, Accountant, Rajiv Gandhi Prathamik Shiksha Mission, Block Pathalgaon, Raigarh (M.P.)

---- Petitioners**Versus**

1. Commissioner, Revenue Division, Bilaspur (M.P.)
2. Collector-cum-Director, Rajiv Gandhi Prathamik Shiksha Mission, Raigarh (M.P.)
3. Assistant Commissioner, Tribal Development -cum-Project Director, Rajiv Gandhi Prathamik Shiksha Mission, Raigarh (M.P.)

4. Shri Ravi Khare, son of late Manik Lal Khare, Jr. Accountant, Integrated Tribal Dairy Development Project, Raigarh, R/o- Degree College Road, South Chakradhar Nagar, Raigarh (M.P.)

---- Respondents

For Petitioners : Mr. Ashish Shrivastava & Mr. Somya Rai and Mrs. Meena Shastri & Mrs. Ranjana Singh Tomar, Advocates.

For Respondents No. 1 to 3/State : Mr. P.K. Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/06/2017

(1) Order of appointment issued by the competent authority in favour of the petitioners dated 8.12.1997 was challenged by respondent No. 4 herein before the Commissioner, Bilaspur Division, Bilaspur by way of appeal.

(2) Learned Commissioner, vide its impugned order dated 29.05.1998, set aside that order, against which instant writ petition has been filed questioning the same.

(3) Learned counsel appearing for the petitioners would submit that petitioners' appointment order dated 8.12.1997 has been set aside by the Commissioner, Bilaspur Division without giving minimal opportunity of hearing and show-cause notice and, therefore, the impugned order is liable to be set aside.

(4) The Commissioner, Bilaspur Division, Bilaspur has filed his reply before this Court, in which, in paragraph 3 it has clearly been admitted that present petitioners (respondents No. 3 to 21 therein) were not noticed in the said proceedings; and the order setting aside the

appointment of petitioners has passed without hearing the writ petitioners. Order setting aside appointment of petitioners has a civil consequence and, therefore, opportunity of hearing before setting aside the appointment of petitioners was clearly imperative and, therefore, impugned order dated 29.05.1998 is liable to be and is hereby quashed. The matter is remitted back to the file of Commissioner, Revenue Division, Bilaspur, District Bilaspur for hearing and disposal in accordance with law after noticing to the parties concerned within a period of three months from the date of receipt of copy of this order.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-