

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5498 of 2017

Laxman Prasad Sahu S/o Late Ramdhari Ram Sahu, Aged About 53 Years
Working On The Post Of Head Master Middle School Mendrakala, Block
Sonhat, Dist. Koriya Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Ministry At Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur Chhattisgarh.
2. Collector, Baikunthpur Dist Koriya Chhattisgarh.
3. District Education Officer, Baikunthpur Dist. Koriya Chhattisgarh.
4. Block Education Officer, Block Sonhat, Dist Koriya Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Jai Prakash Shukla, Advocate
For State	:	Mr. Satish Gupta, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30.10.2017

Heard.

1. On the last date of hearing, learned State counsel was directed to disclose the authority under the law under which the District Education Officer has exercised the power of suspension of the petitioner who is substantively holding the post of Head Master in a middle school, whose appointing authority is the State Government.
2. Today, learned State counsel fairly submits that he could not produce any notification issued by the Governor in exercise of power under Rule 9 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966,

delegating the power of suspension to the District Education Officer empowering him to suspend a headmaster of a middle school. Further, no notification has been placed before the Court to satisfy that the District Education Officer has been notified as disciplinary authority of the petitioner to impose major or minor penalty.

3. In that view of the matter, the impugned order is clearly without jurisdiction or authority of law and non-est. The order will have no effect and be treated as void-ab-initio. The petitioner shall be entitled to continue in service as if he was never suspended.
4. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha