

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 417 of 2017**

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5564 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statute 28 Of College Code Of C.G. Vishwavidyalaya Adhinium 1973 Of D.P.Vipra College) Through The Secretary To The Governing Body Office Of Principal D.P.Vipra College Old High Court Road Bilaspur, Chhattisgarh
2. D.P.Vipra College, Through The Principal D.P.Vipra College Old High Court Road Bilaspur, Chhattisgarh
3. The Principal, D.P.Vipra College Old High Court Road Bilaspur, Chhattisgarh
4. Snatak Mahavidyalaya Shikshan Samiti, Through The Chairman Snatak Mahavidyalaya Shikshan Samiti D.P.Vipra College Old High Court Road, Bilaspur, P.S. City Kotwali Bilaspur, Chhattisgarh

---- Appellants**Versus**

1. Dr. Oorja Ranjan Singh S/o Shri R. R. Sinha, Aged About 45 Years Assistant Professor D.P.Vipra College Bilaspur, R/o B-8, Phase-I I, Rajkishore Nagar Bilaspur, District Bilaspur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary To The Govt. Of Chhattisgarh Department Of Higher Education Mantralaya Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Raipur, Chhattisgarh

---- Respondents**Writ Appeal No. 435 of 2017**

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5553 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of Chhattisgarh Vishwavidyala Adhiniyam, 1973 Of D.P.Vipra College), Through The Secretary, To The Governing Body, Office Of The Principal D.P.Vipra College, Old High Court Road, Bilaspur, District Bilaspur, Chhattisgarh
2. D.P.Vipra College, Through The Principal D.P.Vipra College Old High Court Road Bilaspur, District Bilaspur, Chhattisgarh
3. The Principal, D.P.Vipra College Old High Court Road Bilaspur, District Bilaspur, Chhattisgarh
4. Snatak Mahavidyalay Shikshan Samiti, Through The Chairman, Snatak Mahavidyalay Shikshan Samiti, D.P.Vipra College, Old High Court Road, Bilaspur, P.S. City Kotwali, Bilaspur, Chhattisgarh, Civil & Revenue District Bilaspur, Chhattisgarh(Respondent No. 2 To 5)

---- Appellants**Versus**

1. Smt. Snehlata Mishra W/o Shri Manoj Mishra, Aged About 41 Years Assistant Professor, D.P.Vipra College, Bilaspur, Resident Of Triveni Nagar, New Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh(Petitioner)
2. State Of Chhattisgarh, Through Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Raipur, District Raipur, Chhattisgarh(Res.No.1)

---- Respondents

Writ Appeal No. 436 of 2017

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5547 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of Cg Vishwavidyala Adhiniyam, 1973 Of D. P. Vipra College), Through The Secretary, To The Governing Body, Office Of The Principal D. P. Vipra College, Old High Court Road, Bilaspur District Bilaspur Chhattisgarh
2. D. P. Vipra College Through The Principal D. P. Vipra College, Old High Court Raod, Bilaspur, District Bilaspur Chhattisgarh
3. The Principal, D. P. Vipra College, Old High Court Road, Bilaspur District Bilaspur Chhattisgarh
4. Snatak Mahavidyalay Shikshan Samiti Through The Chairman, Snatak Mahavidyalay Shikshan Samiti, D. P. Vipra College, Old High Court Road, Bilaspur, P. S. City Kotwali, Bilaspur Chhattisgarh, Civil & Revenue District Bilaspur Chhattisgarh

---- Appellants

Versus

1. Dr. Smt. Smriti Rani Prakash W/o Shri Vijay Prakash, Aged About 39 Years Assistant Progegessor, D. P. Vipra College, Bilaspur R/o Near Mahila, Thana, Masanganj, Bilaspur District Bilaspur Chhattisgarh
2. State Of Chhattisgarh, Through Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, P. S. Rakhi Raipur District Raipur Chhattisgarh

---- Respondents

Writ Appeal No. 437 of 2017

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5555 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of Cg Vishwavidyala Adhiniyam 1973 Of D. P. Vipra College) Through The Secretary, To The Governing Body, Office Of The Principal D.P.Vipra College, Old High Court Road, Bilaspur, District Bilaspur, Chhattisgarh
2. D.P.Vipra College, Through The Principal D.P.Vipra College Old High Court Road Bilaspur, District Bilaspur, Chhattisgarh
3. The Principal, D.P.Vipra College Old High Court Road Bilaspur, District Bilaspur, Chhattisgarh

4. Snatak Mahavidyalay Shikshan Samiti, Through The Chairman, Snatak Mahavidyalay Shikshan Samiti, D.P.Vipra College, Old High Court Road, Bilaspur, P.S. City Kotwali, Bilaspur, Chhattisgarh, Civil & Revenue District Bilaspur, Chhattisgarh(Respondent No. 2 To 5)

---- Appellants

Versus

1. Dr. Smt. Subhaja Pandey W/o Shri Abdul Mazid Khan, Assistant Professor, D.P. Vipra College, Bilaspur, Resident Of Vijyapuram, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh(Petitioner)
2. State Of Chhattisgarh, Through Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Raipur, District Raipur, Chhattisgarh(Res.No.1)

---- Respondents

Writ Appeal No. 440 of 2017

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5556 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of Cg Vishwavidyala Adhiniyam 1973 Of D. P. Vipra College) Through The Secretary To The Governig Body Office Of The Principal D. P. Vipra College Old High Court Road Bilaspur District Bilaspur Chhattisgarh.
2. D. P. Vipra College , Through The Principal, D. P. Vipra College , Old High Court Road Bilaspur District Bilaspur Chhattisgarh.
3. The Principal , D. P. Vipra College Old High Court Road Bilaspur District Bilaspur Chhattisgarh.
4. Snatak Mahavidyalaya Shikshan Samiti, Through The Chairman, Snatak Mahavidyalay Shikshan Samiti , D. P. Vipra College Old High Court Road Bilaspur District Bilaspur Police Station City Kotwali Bilaspur Chhattisgarh. Civil & Revenue District Bilaspur Chhattisgarh.

---- Appellants

Versus

1. Balraj Motwani S/o Shri G. K. Motwani , Aged About 51 Years Professor , D. P. Vipra College , Bilaspur R/o 401 , Sapsringi Apartment Old Bus Satnd Road Bilaspur District Bilaspur Chhattisgarh. (Petitioner))
2. State Of Chhattisgarh Through Secretary To The Government Of Chhattisgarh, Department Of Higher Education, Mantralaya Mahanadi Bhawan , Naya Raipur Police Station Rakhi Raipur District Raipur Chhattisgarh. (Res . No. 1)

---- Respondents

Writ Appeal No. 441 of 2017

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5552 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of Cg Vishwavidyala Adhiniyam, 1973 Of D. P. Vipra College), Through The Secretary,

To The Governing Body, Office Of The Principal D. P. Vipra College, Old High Court Road, Bilaspur District Bilaspur Chhattisgarh

2. D. P. Vipra College Through The Principal D. P. Vipra College, Old High Court Road, Bilaspur District Bilaspur Chhattisgarh
3. The Principal, D. P. Vipra College, Old High Court Road, Bilaspur District Bilaspur Chhattisgarh
4. Snatak Mahavidyalay Shikshan Samiti Through The Chairman, Snatak Mahavidyalay Shikshan Samiti, D. P. Vipra College, Old High Court Road, Bilaspur, P. S. City Kotwali, Bilaspur Chhattisgarh, Civil & Revenue District Bilaspur Chhattisgarh

---- Appellants

Versus

1. Khagendra Kumar Soni S/o Shri N. R. Soni, Aged About 51 Years Professor, D. P. Vipra College, Bilaspur Resident Of Madhuban Road, Dayalband, Bilaspur District Bilaspur Chhattisgarh
2. State Of Chhattisgarh, Through Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, P. S. Rakhi Raipur District Raipur Chhattisgarh

---- Respondents

Writ Appeal No. 442 of 2017

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5566 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of C. G. Vishwavidyala Adhiniym, 1973 Of D. P. Vipra College), Through The Secretary, To The Governing Body, Office Of The Principal, D. P. Vipra College, Old High Court Road, Bilaspur, District Bilaspur, Chhattisgarh.
2. D. P. Vipra College, Through: The Principal, D. P. Vipra College, Old High Court Road Bilaspur, Chhattisgarh.
3. The Principal, D. P. Vipra College, Old High Court Road, Bilaspur, district Bilaspur Chhattisgarh.
4. Snatak Mahavidyalaya Shikshan Samiti, Through: The Chairman, Snatak Mahavidyalaya Shikshan Samiti, D. P. Vipra College: Old High Court Road, Bilaspur, Police Station City Kotwali, Bilaspur, Chhattisgarh. Civil And Revenue District Bilaspur.

---- Appellants

Versus

1. Subir Sen S/o Shri R. B. Sen, Aged About 45 Years Professor, D. P. Vipra College, Bilaspur, Resident Of 17/361, Sarju Bagicha, Azad Nagar Bilaspur, District Bilaspur, Chhattisgarh.
2. State Of Chhattisgarh, Through Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Police Station Rakhi, Raipur, District Raipur, Chhattisgarh.

---- Respondents

Writ Appeal No. 444 of 2017

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5568 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of Chhattisgarh Vishwavidyala Adhiniyam, 1973 Of D.P.Vipra College), Through The Secretary, To The Governing Body, Office Of The Principal D.P.Vipra College, Old High Court Road, Bilaspur, District Bilaspur, Chhattisgarh
2. D.P.Vipra College, Through The Principal D.P.Vipra College Old High Court Road Bilaspur, District Bilaspur, Chhattisgarh
3. The Principal, D.P.Vipra College Old High Court Road Bilaspur, District Bilaspur, Chhattisgarh
4. Snatak Mahavidyalay Shikshan Samiti, Through The Chairman, Snatak Mahavidyalay Shikshan Samiti, D.P.Vipra College, Old High Court Road, Bilaspur, P.S. City Kotwali, Bilaspur, Chhattisgarh, Civil & Revenue District Bilaspur, Chhattisgarh(Respondent No. 2 To 5)

---- Appellants

Versus

1. Smt. Suchi Choudhary W/o Shri Ritesh Choudhary, Aged About 42 Years Assistant Professor, D.P.Vipra College, Bilaspur, R/o Goverdhan Bada, Tilak Nagar Bilaspur, District Bilaspur, Chhattisgarh(Petitioner)
2. State Of Chhattisgarh, Through Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, Raipur, District Raipur, Chhattisgarh(Res.No.1)

---- Respondents

Writ Appeal No. 445 of 2017

(Arising out of judgment/order dated 25.10.2017 in Writ Petition (S) No.5554 of 2017 of the learned Single Judge)

1. The Governing Body (Constituted Under Statue 28 Of The College Code Of Chhattisgarh Vishwavidyala Adhiniyam 1973 Of D. P. Vipra College) Through The Secretary To The Governig Body Office Of The Principal D. P. Vipra College Old High Court Road Bilaspur District Bilaspur Chhattisgarh.
2. D. P. Vipra College Through The Principal, D. P. Vipra College , Old High Court Road Bilaspur District Bilaspur Chhattisgarh.
3. The Principal , D. P. Vipra College Old High Court Road Bilaspur District Bilaspur Chhattisgarh.
4. Snatak Mahavidyalaya Shikshan Samiti, Through The Chairman, Snatak Mahavidyalay Shikshan Samiti , D. P. Vipra College Old High Court Road Bilaspur District Bilaspur Police Station City Kotwali Bilaspur Chhattisgarh. Civil & Revenue District Bilaspur Chhattisgarh.

---- Appellants

Versus

1. Dr. Smt. Reenu Nair Wife Of Shri Vinit Nair , Assistant Professor , D. P. Vipra College , Bilaspur R /o Sahagal Gali , Vidya Nagar Bilaspur District Bilaspur Chhattisgarh. (Petitioner)
2. State Of Chhattisgarh, Through Secretary To The Government Of Chhattisgarh, Department Of Higher Education, Mantralaya Mahanadi Bhawan , Naya Raipur Police Station Rakhi Raipur District Raipur Chhattisgarh. (Res . No. 1)

---- Respondents

For Appellants	: Shri B.P. Sharma, Advocate.
For Respondent No.1	: Shri Anurag Dayal Shrivastava, Advocate.
Respondent No.2/State	: Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

15/11/2017

1. These appeals arise from a bunch of writ petitions filed by certain teachers of the Establishment which is in appeal. Salaries paid to them for certain period is seen to have been found by the Local Fund Audit to be ineligible payment. The Local Fund Audit had directed the Establishment to recover such overpaid salary and also refix the salaries to be paid. The decision by the Local Fund Audit was taken without hearing the teachers. The Management gave effect to the decision of the Local Fund Audit. However, there is controversy between the teachers and the Management as to whether the Management had actually given due notice of hearing to the teachers. The learned Single Judge interfered with the decision of the Management, at the instance of the writ petitioners/teachers, without giving notice to the Management.
2. In the aforesaid situation, ends of justice would be satisfied if the Management gives an opportunity of hearing to the writ petitioners/teachers and communicate to them the decision of the Local Fund Audit. This will enable the teachers to take up any objection to the Local Fund Audit report with the said department. The learned Additional Advocate General will advise the Local Fund Audit department

to ensure that no objection shall be kept pending for long.

3. In the result, these writ appeals are ordered modifying the directions of the learned Single Judge as issued through the impugned order and directing that the Management will afford an opportunity of hearing to the writ petitioner/teachers against the proposal for recovery of alleged overpaid salary and also on the issue of the exact salary that would be due to the writ petitioners/teachers. To facilitate quicker disposal of the matter by the management, we direct the writ petitioners/teachers to mark appearance in the office of the Secretary of the Governing Body of the Appellants by 11.00 AM on 24.11.2017, so that the Management can fix the date for hearing and conclude the issue, if any. Further report or view of the Local Fund Audit on the objection taken by the writ petitioners/teachers will also be considered. The hearing and final disposal will be concluded within an outer limit of three months from the date of receipt of certified copy of this judgment or the date of the commencement of hearing, whichever is earlier. The recoveries ordered by the Local Fund Audit will stand stayed during the proceedings in furtherance of this order insofar as the writ petitioners/teachers are concerned.
4. The writ appeals are ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE