

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1118 of 2017**

Smt. Veena Gupta, W/o Shri Sanjay Gupta, aged about 42 years, R/o Senior MIG, 526, Sector-1, DDV Nagar, Raipur, Distt. Raipur (CG).

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, New Raipur, P.S. Rakhi, Distt. Raipur (Chhattisgarh)
2. The Chief Executive Officer, Zila Panchayat, Raipur, Distt. Raipur (Chhattisgarh)
3. The Chief Executive Officer, Janpad Panchayat, Navagaon, Raipur, Distt. Raipur (Chhattisgarh)
4. The Block Education Officer, Block Aarang, Raipur, Distt Raipur, (Chhattisgarh)
5. The Head Master, Government Middle School, Navagaon (Highway), Block Aarang, Distt. Raipur (Chhattisgarh).

---- **Respondents**

For Petitioner	:	Shri Arvind Dubey, Advocate.
For Respondents/State	:	Shri B Gopa Kumar, Deputy AG.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07/03/2017

1. Challenge in this petition is to the order dated 30.01.2017 whereby the services of the petitioner has been terminated.
2. The impugned order has been passed invoking the provisions of Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (in short, the Rules, 1999). Rule 15 of the said Rules, 1999 prescribes preferring of an appeal before the appellate authority against any adverse order. The appeal against the impugned order would lie before the Commissioner.
3. The counsel for the petitioner submits that the order impugned has been passed de-horice the rules prescribed under the Rule, 1999, particularly Rule 7 of Rules, 1999. Needless to mention that this objection can also be raised by the petitioner in the appeal that he would prefer against the order impugned.

4. Normally the High Court in exercise of its writ jurisdiction should not entertain a petition if there is an alternative efficacious remedy. Where hierarchy of appeals is provided under the statute, party must exhaust the statutory remedy before resorting to writ jurisdiction, except when a very strong case is made out for making a departure.
5. In the present case, no exceptional circumstances exist wherein the High Court should make departure from the normal rule. Thus, this petition is dismissed as not maintainable on the ground of availability of alternative remedy of filing of appeal. However, if the petitioner takes recourse of filing an appeal before the appellate authority, it is expected that the authority concerned shall decide the same as expeditiously as possible.
6. With the aforesaid observation, the writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge