

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4045 of 2017

Harvansh Singh Bandari S/o Milapram Aged About 37 Years R/o Village Bhothipara Kala, Post Singhola, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Collector, Bijapur, District Bijapur, Chhattisgarh.
2. Chief Executive Officer, Janpad Panchayat Bijapur, District Bijapur, Chhattisgarh.
3. Block Education Officer, Block Development Bijapur, District Bijapur, Chhattisgarh.

---- Respondents

Shri Vishnu Koshta, counsel for the petitioner/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/08/2017

This petition has been filed by the petitioner for issuance of direction to the respondents to issue appointment order of the petitioner and allow him to join w.e.f. 04.06.2005.

2. The factual premise, as stated in the petitions is that the petitioner had participated in a process of selection for appointment to the post of Shiksha Karmi, Grade – III initiated by respondent No.2 way back in the year 2005. According to the petitioner, he never came to know regarding the appointment orders and he was under impression that he has not been appointed and selected. The petitioner received a notice dated 24.05.2010 of respondent no.2 in which, it was alleged that the petitioner is absent from duties from the month of August, 2007. According to the petitioner, issuance of this notice shows that some appointment order was issued including the name of the petitioner also but this order was never communicated to the petitioner and someone else impersonated the petitioner and

started working. The petitioner submitted his reply to the notice and also demanded enquiry in the matter because even after appointment order of the petitioner, he remained deprived from being appointed and some other person impersonated him which was not in the notice or knowledge of the petitioner and the petitioner came to know only when notice dated 24/05/2010 was issued to him.

3. From the petition, it is found that an appointment order (Annexure P/2) was issued on 04.06.2005 / 29.07.2005 by the Chief Executive Officer, Janpad Panchayat, Bijapur, in which, name of the petitioner finds place at serial no.30. The petitioner has made serious allegations that this order was never communicated to him and it is found that the petitioner was also not vigilant and upto 2010, he did not make any enquiry whether he is selected or not. Therefore, the matter requires an enquiry, factual in nature, whether the appointment order was communicated to the petitioner or not and whether some other person was allowed to join and work by impersonating the petitioner.

4. Respondent No.2 is obliged under the law to make a proper enquiry in the matter and if it is found that some impersonation has taken place, respondents shall take appropriate criminal action. Let respondent No.2 hold a detailed enquiry in the matter and conclude the same within three months from the date of receipt of copy of this order. Appropriate decision shall be taken in the matter depending upon the result of the enquiry which may include consideration of petitioner's appointment as per the order of appointment dated 04.06.2005.

5. This petition is accordingly disposed off at this stage.

Sd/-

(Manindra Mohan Shrivastava)
Judge