

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 555 of 2014

- B.S.Sidar S/o Late Shankar Sai Sidar Aged About 49 Years Project Officer, Zila Gramin Vikas Abhikaran, Bemetara, Ps Nawagarh, Civil & Rev. Distt. Bemetara C.G. --- **Petitioner**

Versus

1. State of Chhattisgarh through The Secretary, Home Department, Mahanadi Bhawan, Raipur, Distt. Raipur C.G.
2. Superintendent of Police Bemetara, Distt. Bemetara C.G.
3. Town Inspector Ps Nawagarh, Distt. Bemetara C.G. --- **Respondents**

For the applicant : Mr. Tarun Dadsena, Advocate
For the State/respondents : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.11.2017

1. This instant petition is to quash the charge sheet and further proceedings of Criminal Case No.244 of 2012 pending before the Judicial Magistrate, First Class, Bemetara.
2. Learned counsel for the applicant submits that no case is made out against the present petitioner as all the appointments so made to the post of Shiksha Karmis were duly endorsed and approved by the Jila Panchayat, therefore, the sole liability cannot be fastened to the petitioner.
3. A perusal of the documents prima facie would show that in the notification issued on 12.03.2007 for appointments it was categorically stated that the candidates who were issued experience certificates within the Janpad Panchayat, Nawagarh should only be given the experience marks but the marks were given to the candidates other than the Nawagarh who were selected on the basis of experience obtained from other districts of the State and the same was not approved

by the Janpad Panchayat. Further few of the appointments of Shiksha Karmis who did not join the post within the specified date, their appointments were cancelled. However, one of them was again reappointed by taking the same certificate. Further it was also stated that the appointments which were made on the basis of certificates were also not verified which were found to be forged and the persons who were not eligible for the appointment were given appointments. Consequently, the collector after initial enquiry found prima facie case to be proved and thereafter the charge sheet was filed.

4. On perusal of the documents, I am of the view that it would not be proper for this court to hear the case as a court of appeal only by evaluating the defence which is raised by the petitioner. The charge sheet has already been filed and the case is at the stage of evidence. Consequently, the petitioner is at liberty to prove his innocence by demolishing the evidence and by denial of documents by cogent evidence. At the threshold, prima facie, it cannot be accepted that the petitioner is totally isolated of the entire accusation which was complained against him being CEO of the Janpad Panchayat, Nawagarh.
5. Consequently, the petition has no merit and is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**