

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 7032 OF 2007**

Jan Bhagidari Evam Vikas Samiti, Aadim Jati Kalyan Vibhag, Prathmik Shala Binjhakot, Vikas Khand- Kartana, District Korba (CG), through- its President- Chandra Kumar Patel, aged about 47 years, S/o Shri Hridey Ram Patel, R/o Village. Binjhakot, Vikas Khand- Kartala, District Korba (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through- its Secretary, Department of Tribal Welfare, D.K.S. Bhawan, Raipur (CG)
2. The Collector, District Korba (CG)
3. The Assistant Commissioner, Department of Tribal Welfare, District Korba (CG)
4. Block Education Officer (T.W.D.), Block- Kartala, District Korba (CG)
5. Ashok Kumar Garhewal, aged about 55 years (earlier posted in the office of Collector, Deptt. Of Trival Welfare- Korba), presently posted at- office of the Collector, Deptt. Of Trival Welfare, Amikapur, District Surguja (CG)
6. Net Ram Patle, aged about 48 years, S/o Shri Lala Ram Patle, posted at- Office of the Block Education Officer (T.W.D.), Kartala, District Korba (CG)
7. Hari Lal Amlihar, aged about 48 years, S/o Shri Parmanand Amlihar, presently attached at- Block Education Officer, Korba, District Korba (CG)

... Respondents

For Petitioner	:	Mr. Roop Naik, Advocate.
For Respondents 1, 2, 3 & 4	:	Mr. R.K. Gupta, Dy. A.G.
For Respondents 5 & 6	:	Mr. B.L. Sahu, Advocate.
For Respondent 7	:	Mr. Shashi Kumar Kushwaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/09/2018**

1. The present writ petition has been filed seeking for the following relief(s):

“7.2 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus, thereby directing the respondent authorities concerned to remove the Respondent No.5 to 7 from their respective posts.

7.3 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus, thereby directing the respondent authorities concerned to register the offence.

7.4 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus, thereby directing the respondent authorities concerned to recover the amount of Rs. 68,253/- from the Respondent No.7.”

2. The petitioner herein is a society which is in fact a committee managing the affairs of the school at Village Binjhakot, Block Kartala, District Korba.

3. Grievance of the petitioner is that, respondent no.7 was in a habit of misbehaving while taking classes, inasmuch as he was in a habit of consuming liquor and ganja etc., which was not in the interest of the students taking education. The petitioner-society had made complaints to the higher authorities in the department who had initially placed the petitioner under suspension and his services were attached to a different place and in the enquiry the respondent no.7 was found guilty of the charges. But, before punishment order could be passed, the allegation is that respondent no.7 in assistance with respondents no. 5 & 6 had got the enquiry report changed and the suspension order also got revoked and he again resumed duties at the same school. Thereafter, again a complaint was made which was further enquired and the respondent no.7 is said to have admitted his guilt, but still no action was taken against him. All that the petitioner is aggrieved of is the non-action on the part of the respondents in taking a decision against respondent no.7.

4. The present writ petition was filed way back in the year 2007. It is now almost 11 years having lapsed since the filing of the writ petition. Much water must have flown in between.

5. Given the nature of relief sought for and the grievances of the petitioner, this Court is of the opinion that ends of justice would meet if a suitable direction is given to respondent no.2 to get the matter investigated and enquired, if not personally, by an officer not less than the rank of an Additional Collector who shall call for the entire record so far as the grievance of the petitioner is concerned and thereafter let appropriate corrective measure be passed ensuring that the school is run in a proper manner and teachers come to the school with all purity. It is expected that the authorities would take a decision at the earliest.

6. The writ petition accordingly stands disposed of.

7. Subject to the petitioner furnishing the photocopies of any original record which is part of the writ petition, the original of the same may be returned to the petitioner.

**Sd/-
(P. Sam Koshy)
Judge**

/sharad/