

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 383 of 2016**

Smt. Kunti Patel W/o Shri Chandrika Prasad Patel, Aged About 34 Years Working As Trainee Officer (Trade C.O.P.A.), At Govt. Industrial Training Institute, Sariya, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Manpower Planning, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Commissioner-Cum- Director, Directorate Of Technical Education, Employment And Training, Indrawati Bhavan, Block- 3,4 Mahanadi Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. National Council For Vocational Training Through Its Secretary, New Delhi.
4. Secretary, State Board Of Examination State Council For Vocational Training, Saddu, Raipur, District Raipur Chhattisgarh
5. Principal, Government Industrial Training Institute (I.T.I.) Pusaur, District Raigarh Chhattisgarh

----Respondents

For Petitioner	:	Mr. Basant Dewangan, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/09/2018**

1. The challenge in the writ petition is to the order Annexure P/1 dated 27.11.2015 and the show cause notice dated 28.11.2018 in respect of cancellation of appointment (Annexure P/2).
2. Vide Annexure P/1, the Director, Technical Education has cancelled the Provisional National Trade certificate issued in favour of the petitioner and vide Annexure P/2 the Commissioner-cum-Director, Technical Education has also issued a show cause notice, seeking explanation as to why his appointment issued, should not be cancelled.

3. Counsel for the parties fairly admits that there were a bunch of writ petitions of identical nature, the lead case being WPS No. 4714/2015 and other analogous petitions, which stood decided by this Court on 09.10.2017 and the facts of the present case being identical to that bunch of writ petitions, the present writ petition also can be disposed off in similar terms.
4. On perusal of the records and also perusal of the order dated 09.10.2017 in the aforementioned bunch of writ petitions, this Court finds that the matter being identical.
5. While deciding the said bunch of writ petitions, this Court had in paragraph No.16 observed as under:

“16. It appears that the Commissioner-cum-Director, Technical Education, had already made up his mind based on the direction and dictation of the State Government. Since the Director, Technical Education has no authority and jurisdiction to cancel the provisional National Trade Certificate and that too the said certificate has been cancelled without giving opportunity of hearing and on the basis of that cancellation, show cause notice has been issued to the petitioners clearly affirming the opinion that the petitioners were ineligible for the post of Training Officer, this Court is of the opinion that the orders Annexures P-1 and P-2 deserve to be quashed and they are hereby quashed. However, it is open to respondent No.2 to proceed in accordance with law after following the due procedure of law.”

6. In view of the aforesaid factual matrix of the case, the present writ petition also deserves to be and is allowed in similar terms in terms

of the order dated 09.10.2017 passed in WPS No. 4714/2015 and other analogous petitions, consequences to follow.

Sd/-
(P. Sam Koshy)
Judge

Ved