

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.1560 of 2005

H.R. Patel, S/o Shri Ram Dayal Patel, aged about 42 years, R/o Village Dighepur, Tahsil and District Mahasamund (C.G.)

---- Petitioner

Versus

1. The State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, Chhattisgarh, D.K.S. Building, Raipur (C.G.)
2. The Director, Public Instructions, Raipur, Tahsil and District Raipur (C.G.)
3. The District Education Officer, Mahasamund (C.G.)

---- Respondents

For Petitioner: Mr. L.C. Dash, Advocate.

For Respondents/State: Mr. Sangharsh Pandey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/02/2018

1. The petitioner has filed this writ petition questioning his order of dismissal from service dated 14-2-2005 passed by the disciplinary authority.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law.
3. Learned State counsel would submit that the petitioner's writ petition revoking his caste certificate has already been dismissed by this Court today in W.P.No.2786/2005 (Hoshram Patel v. State of Chhattisgarh and others) and one of the charges is that he has obtained forged caste certificate to get employment and thereby obtained employment.

4. I have heard learned counsel for the parties and considered their rival submissions.
5. One of the major charges is that the petitioner obtained caste certificate in a forged manner and finding that charge established along with other charges, he was dismissed from service. In the aforesaid writ petition (W.P.No.2786/2005), the petitioner's plea is that caste certificate was illegally revoked by the Caste Scrutiny Committee, but the said plea has been rejected and revocation of caste certificate of the petitioner has been upheld by this Court. The disciplinary authority has found the charge of obtaining forged caste certificate proved and thereby directed for removal of the petitioner from service. No such material has been brought before this Court to hold that the findings of the disciplinary authority are contrary to record or perverse, as such, the finding is neither perverse nor contrary to record. Particularly taking in view that revocation of his caste certificate has already been affirmed by this Court, I do not find any merit in the petition and the petition deserves to be and is accordingly dismissed leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge