

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 6894 of 2010**

Pitambar Patel S/o Shri Mahseh Ram Patel, aged about 46 years,
Lecturer, Higher Secondary School, Dharsedi, Block – Odgi, District
Surguja (Ambikapur) (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Education Department, DKS Bhawan, Raipur (CG)
2. Commissioner, Office of Commissioner, Adim Jati & Adiwasi Vikas, Chhattisgarh, Raipur
3. Collector, Office of the Collector, Surguja (Ambikapur) Chhattisgarh
4. District Project Officer, District Project Office (Rajeev Gandhi Shiksha Mission), Ambikapur, District Surguja (CG)
5. Block Education Officer, Block Bhaiyathan, District Surguja (Ambikapur) (CG)
6. Premsingh, Head Master, Middle School, Chanderpur, Block – Bhaiyathan, District Surguja (CG)
7. Smt. Savita Tiwari, Shiksha Karmi Grade-III, Primary School-Anrokha, Block Bhaiyathan, District Surguja (CG)

---- Respondents

For Petitioner	: Shri Sourabh Sharma, Advocate
For Respondents 1 to 3 & 5	: Shri Dhiraj Wankhede, Govt. Advocate
For Respondent No.4	: Ms. Pushpa Dwivedi, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/08/2018**

Challenge in the present writ petition is to the order Annexure P-1
dated 25.09.2010 whereby the petitioner has been placed under

suspension by the Collector and the District Project Officer. In addition, the petitioner has also challenged the show cause notice and the subsequent charge sheet issued by the respondents.

2. The challenge to these orders have been on the ground that the authorities have issued the charge sheet with a predetermined mind in as much as the respondents in the show cause notice itself had *prima facie* reached to the conclusion that the petitioner is guilty of the offence. So far as the second ground is concerned, counsel for the petitioner submits that the order of suspension so also the charge sheet and show cause notice all have been issued by the Collector. Since the petitioner was working as a Lecturer i.e. Class-II Post, it is only the Commissioner who could have issued with an order of suspension.

3. The present writ petition was filed in November, 2010. The petitioner was granted an interim protection by this Court on 29.11.2010 whereby the order of suspension issued by the Collector was stayed and which still continued. Thus, this Court is of the opinion that no fruitful purpose would be served in determining the veracity of the order of suspension at this juncture after about 8 years of time. Since the suspension order has already been stayed, this Court only orders that the order of suspension shall not be further acted upon by the respondents so far as the petitioner is concerned.

4. So far as the issuance of show cause notice and the charge sheet is concerned, since there was no interim protection granted by this court, it is presumed that the respondents might have proceeded further with the departmental enquiry. If not, reserving the right of the respondents to proceed further with the departmental enquiry initiated with a rider that the

final order would be passed only by a competent authority governing the service condition of the petitioner.

5. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE