

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No.83 of 2018**

- Shailendra Kumar Dixit S/o Shri Lalji Dixit Aged About 56 Years Upper Division Teacher (Suspended) Resident Of Ward No. 9, Nagar Panchayat Bodri, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

- Hemant Kumar Upadhyay District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh (Contemnor), District : Bilaspur, Chhattisgarh

-- Respondent

For Petitioner : Shri Ajay Shrivastava, Advocate
 For Respondent : Shri Satish Gupta, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/04/2018**

Heard.

2. By this petition, the petitioner is alleging willful disobedience of order dated 29-11-2017 passed by this Court in WPS No.5386 of 2017.

3. Learned counsel for the petitioner would submit that the order passed by this Court was not complied with. He submits that even though, the petitioner was regularly attending the office, where he was attached, after suspension, he was never tendered any charge sheet. According to him, the order, which has been passed by the District Education Officer on 08-03-2018, is contrary to the true facts with regard to service of charge sheet on the petitioner and against the spirit of the order of the Court.

4. After going through the order dated 08-03-2018 passed by the District Education Officer, this Court finds that the District Education Officer has rejected the petitioner's claim for reinstatement by observing that the charge

sheet was made available in the office, where the petitioner was attached well in time, but due to registration of criminal case against the petitioner, he was not traceable and was absconding.

5. Learned counsel for the petitioner seriously disputed the factual submission contained in the order dated 08-03-2018.

6. As to whether the petitioner avoided to receive the charge sheet or charge sheet was never offered to him for being served in the office, where he was attached after suspension, is essentially a matter of enquiry to be made in the appropriate proceedings and not in the contempt petition. The respondent authority has examined the facts at his own level and upon satisfaction of certain facts has passed the order. Therefore, no contempt proceedings can be initiated against the respondent. However, it will be open for the petitioner to challenge the legality and validity of order dated 08-03-2018 in a separately constituted proceedings.

7. In the result, the petition is dismissed.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E