

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1405 of 2018**

Smt. Kalpana Pandey W/o Widow Of Late Shri Sunil Pandey Aged About 52 Years Ex Assistant Professor, Under The Government Of Chhattisgarh, Higher Education (Collegiate) Department, R/o 55/a, Maitri Vihar Colony, Near Hanuman Temple, Supela Bhilai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Secretary, Department Of Law And Legislative, New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Director, Higher Education Directorate, Indrawati Bhawan, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

....**Respondents**

For Petitioner	:	Mr. PKC Tiwari, Senior Advocate with Mr. R.S. Baghel and Mr. Ashutosh Trivedi, Advocate
For State	:	Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13.02.2018**

1. The present writ petition has been filed by the petitioner seeking a relief of reinstatement in service with all consequential benefit.

2. Learned Senior counsel appearing for the petitioner submits that the petitioner's services were terminated with effect from 12.06.2003. The ground of termination was a conviction in a Criminal Case No.107 of 1995 decided by the Additional Sessions Judge (F.T.C.) Raigarh for the offence punishable under Section 302 and 201 of IPC. The criminal appeal was preferred before the High Court which was registered as Criminal Appeal No.308 of 2003 which finally stood decided on 30.01.2017 whereby the Division Bench of the High Court has set aside the judgment of conviction and has acquitted the petitioner of all the charges leveled.

3. After the acquittal, the petitioner has been repeatedly approaching the authorities for reconsidering the order of termination in the light of the acquittal order.

4. It is pertinent to take note that the order of termination was only on the basis of the judgment of conviction. Once when the conviction order is set aside by the Division Bench of this Court, the order of termination on the ground of conviction has to be reconsidered by the competent authority in accordance with the provisions of the fundamental Rules applicable. Learned Senior counsel for the petitioner submits that for almost one year her representation is pending consideration before the authority and till date, the same has not been considered.

5. Given the said facts and circumstances of the case, this Court is not inclined to keep the petition pending and is of the opinion that ends of justice would meet if the petition is disposed off at this juncture with the direction to respondent No.1 to consider the representation of the petitioner which she has filed on 20.02.2017. In addition, the petitioner would also be at liberty to file a fresh representation if she so chooses along with the order of this Court. It is expected that respondent No.1 shall pass a suitable order on merits preferably within a period of 45 days from the date of receipt of certified copy of this order.

6. With the aforesaid direction, the petition stands disposed off.

Sd/-

(P. Sam Koshy)
Judge