

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2038 of 2018

Suryakanta Yadav W/o Shri Iswar Lal Yadav Aged About 47 Years Presently Posted As Assistant Teacher , Balak Ashram Dhurli , Post Bhausi, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Schedule Caste , Schedule Tribes And Backward Classes Welfare Department , Through Its Secretary Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Tribal Department District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
3. Mata Rukmini Seva Santhan , Through Its Secretary Dimrapal , District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Shailja Shukla, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/02/2018

Heard.

1. By this petition under Article 226 of the Constitution of India, the petitioner has assailed legality and validity of the impugned order by which the petitioner has been terminated from service after holding a departmental enquiry.
2. Though number of grounds have been urged in this petition to assail correctness and validity of the order of termination, none of those grounds relate to absence of jurisdiction, malafide or violation of principles of

natural justice in the sense that no opportunity whatsoever was granted to the petitioner.

3. Learned counsel for the petitioner could not dispute that the petitioner has an alternative remedy of preferring appeal under Section 6 of the Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karamcharyon Ke Vetano ka Sandaya) Adhiniyam, 1978. The remedy of appeal is statutory in nature. Therefore, I am not inclined to interfere with the impugned order and leave the petitioner to work out her alternative remedy before the appellate authority.
4. It is made clear that this Court has not commented upon merits of the case and it will be open for the petitioner to raise all the grounds as may be available to her under the law including the grounds raised in this petition to assail correctness and validity of the order of termination. It will also be open for the petitioner to pray for stay of the order before the appellate authority on such grounds as may be available to her under the law.
5. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge