

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4448 of 2018

Chhattisgarh State Waqf Board Through Its Chairman Mohd. Salim Ashrafi, S/o Hafiz Abdul Gafoor, Aged 66 Years, R/o Sector - 3, Devendra Nagar, Raipur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Scheduled Caste And Scheduled Tribes Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
2. Secretary, Animal Husbandry And Development Department Mantralaya, Mahanadi Bhavan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
3. Director, Veterinary Services Indravati Bhavan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
4. Joint Director, Animal Husbandry And Development Department, Pandri, Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Rajeev Shrivastava, Advocate.
For State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/07/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 30/10/2017 whereby the services of one Dr. S.A.Farooqui, the Chief Executive Officer of the petitioner – Chhattisgarh State Waqf Board has been repatriated back to the service of the State Government.
2. The counsel for the petitioner submits that, the CEO Dr. S.A.Farooqui infact after his appointment to the Waqf Board came under the direct administrative control of the Waqf Board and the State Government could

have taken back his service without the knowledge and consent of the petitioner. He further submits that, issuance of Annexure-P/1, has created a situation where the petitioner - Waqf Board is left with no CEO thereby causing great difficulties in execution of day to day working of the Waqf Board. This has also been brought to the notice of the State Government by a detailed representation Annexure-P/12 dated 14/11/2017 and by subsequent reminders.

3. Perusal of record would show that, the earlier CEO – Dr. S.A.Farooqui substantially is an employee of the State Government working with the Animal Husbandry and Development Department of State and he was temporarily sent as a CEO of the Waqf Board.

4. Now by the impugned order, the officer has been recalled to the services of the Animal Husbandry and Development Department.

5. The said officer i.e. Dr. S.A.Farooqui is not aggrieved by the decision of the State Government and has neither challenged the same. It is the Waqf board who has now filed a Writ Petition challenging the recalling of Dr.S.A.Farooqui.

6. This Court at this juncture may not be inclined to entertain the Writ Petition questioning recalling of Dr.S.A.Farooqui as it has not been questioned by the aggrieved person.

7. The grievance of the petitioner is that of the vacuum created in the absence of the regular CEO of the Waqf Board.

8. Thus, the instant Writ Petition stands disposed off with a direction to the State Government to appoint a regular CEO to the Chhattisgarh State Waqf Board at the earliest so that the Waqf Board can function smoothly.
9. Let this exercise be done as expeditiously as possible preferably within a period of 30 days from today.
10. Let the petitioner apprise the respondents in this regard for an appropriate early decision.
11. The order passed is with an intention that the post of CEO does not remain vacant for long and the functions of the petitioner board should not get paralyzed.
12. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit