

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 202 of 2018**

Uttam Singh Sidar S/o Shri Rajan Singh Sidar, Aged About 34 Years
BRP (I. I. D.) , BRC Office Gharghoda, District Raigarh And R/o
Village Dongadarha, Post Dumaria, Tehsil Pharsabahar, District
Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Mission Director, Rajeev Gandhi Shiksha Mission, Chhattisgarh, Raipur Chhattisgarh.
3. Collector - Cum - District Mission Director, Rajeev Gandhi Shiksha Mission, Raigarh District Raigarh Chhattisgarh.
4. District Education Officer - Cum - District Project Coordinator Rajeev Gandhi Shiksha Mission, Raigarh District Raigarh Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Soumya Rai, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/10/2018**

1. The challenge in the present writ petition is to the order of termination in terms of the Government instructions dated 23.02.2017 and 23.03.2017.
2. The counsel for the parties fairly make a submission that the issue involved in the present writ petition has already been adjudicated upon a bunch of writ petitions decided by this High Court in WPS No. 1572/2017 and other analogous petitions, decided on 07.11.2017.
3. The counsel for the parties further submits that since the facts are identical, the present writ petition also can be disposed off in similar terms.

4. The Writ Court while deciding the aforesaid bunch of writ petitions vide judgment dated 07.11.2017 in paragraphs No. 10 to 12 has held as under:

“10. Be that as it may, since the petitioners have not been provided any opportunity of hearing, the writ petitions deserve to be allowed on the ground of violation of principles of natural justice.

11. In view of the above, the impugned orders terminating the petitioners' services are set aside. However, liberty is reserved in favour of the respondent State/RGMS, if they so desire, to scrutinise the cases of each of the petitioner so as to ensure that they fulfill the norms laid down for the post of BRP. In course of the said scrutiny, the petitioners, who are presently working on the strength of interim order, shall be provided proper and adequate opportunity of hearing clearly mentioning the reasons for the scrutiny and the documents needed therefor. In the event, the RGSM desires to take any adverse action against any of the petitioners, it shall provide proper opportunity of hearing to the candidates before taking such adverse action.

12. As an upshot, all the writ petitions are allowed in the manner indicated above.”

5. In view of the judgment passed in the bunch of writ petitions on 07.11.2017 and the facts being identical, the present writ petition also

deserves to be and is accordingly allowed in similar terms. Accordingly the impugned decision for terminating the services of the petitioner stands set-aside/quashed. However, the respondents would have the same liberty as was made available to them vide the judgment decided on 07.11.2017.

6. Consequences to follow, the writ petition stands allowed.

Sd/-
(P. Sam Koshy)
Judge

Ved