

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 5294 OF 2018**

Neel Kiran Tiwari, S/o Shri Bharat Lal Tiwari, aged about 61 years, working as Head Master, Government Primary School, Moharkhar, Block Kota, Bilaspur (CG), R/o Anand Nagar, Uslapur, behind Mosaji White House, Bilaspur (CG) ... **Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Department of Higher Education, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Collector, Bilaspur (CG)
3. District Education Officer, District Bilaspur (CG)
4. Block Education Officer, Kota, District Bilaspur (CG) ... **Respondents**

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For Respondents	:	Mr. S.P. Kale, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/08/2018

1. Challenge in the present writ petition is to the Annexure P-1, whereby the District Education Officer, Bilaspur, has vide its order dated 24.4.2018 placed the petitioner under compulsory retirement.
2. Challenge to the compulsory retirement is firstly on the ground that the District Education Officer is not a competent authority to have issued the order of compulsory retirement to the petitioner for the reason that the District Education Officer is not the appointing authority of the petitioner who is otherwise a Headmaster. Secondly, the District Education Officer has not taken into consideration the guidelines which have been laid by the State Government on 25.4.2017 in respect of considering the employees of the State Government for being placed under compulsory retirement. Thirdly, it was also the contention of the counsel for the Petitioner that the guidelines for compulsory retirement would not be applicable upon the Teachers and Headmasters of the education department as they are exempted from being scrutinized for compulsory retirement. Lastly, it was contended that the initial appointment of the petitioner was against the physically handicapped quota and the same cannot be taken as a ground by the respondents for placing the petitioner under compulsory retirement.

3. So far as the cases of compulsory retirement are concerned, the State Government has subsequent to the circular dated 25.4.2017 constituted a committee vide notification dated 5.5.2018 and whereby the State Government has taken a policy decision to consider all those cases for compulsory retirement where the employees have questioned the order of compulsory retirement. The committee has been constituted consisting of high level officers of the State Government.

4. Given the said facts and circumstances of the case and also the policy decision of the State Government so far as constituting a high power committee to scrutinize those cases of compulsory retirement where the employees have questioned the same, let the case of the petitioner be also scrutinized by the said committee. The petitioner in this regard would be at liberty to file a detailed representation before the committee raising all the aforesaid grounds in the said representation.

5. The State Government shall refer the case of the petitioner to the said committee to be scrutinized at the earliest. The committee thereafter shall within an outer limit of 60 days scrutinize the case of the petitioner and pass suitable order at the earliest. It is expected that the committee would definitely take a decision objectively, particularly on those legal objections which the petitioner shall raise in his representation and which have also been raised in this writ petition.

6. The writ petition accordingly stands disposed of with the aforesaid observations.

Sd/-
(P. Sam Koshy)
Judge