

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5126 OF 2018**

1. Manish Kumar Ghore S/o S/o Surya Bihari Ghore Aged About 39 Years Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School, Basti Block Gourela, District Bilaspur, Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Block Education Officer, Pendra District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Principal, Govt. Higher Secondary School Basti, Block Pendra District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri C Jayant K Rao, Advocate.
For Respondent-State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10.08.2018**

1. The petitioner was permitted to undergo M.Ed. Course as departmental candidate and he was relieved for the said purpose on 11.08.2015. After completion of course he was relieved from the said institute on 22.09.2017. However, since the petitioner was suffering from jaundice, he could not resume his duties and has made correspondence in this regard.
2. The petitioner reported for the duty only on 01.05.2018 along with medical certificate and also submits that in between he has made correspondence but till date he has not been given joining.
3. The State counsel appearing on advance notice submits that the petitioner had deliberately absented himself without any justifiable reason inspite of reminders being sent he has failed to resume his duties after completion

of M.Ed. Course and therefore, for the misconduct of unauthorized absent he might not have been granted joining.

4. Perusal of records and averment made by the petitioner it does not appear that the petitioner has been subjected to departmental proceeding or disciplinary action, nor does it reflect that the services of the petitioner have been placed under suspension. Under the circumstances, if the petitioner even belatedly has entered appearance for joining, the respondents cannot stop from granting joining reserving the right for initiating disciplinary proceeding against him if the act of the petitioner comes within the ambit of misconduct.
5. Given the aforesaid facts and circumstances of the case, this court is inclined to dispose of the petition with a direction to the respondents No.2&3 to take necessary steps ensuring that the petitioner is provided joining promptly without any further delay. However, if the respondents feel so, they may initiate proceeding against the petitioner for the unauthorized absent, if any.
6. The writ petition accordingly stands disposed of expecting the respondents to take a decision on joining within a period of 30 days from the date of receipt of certified copy of this order. No order as to costs.

Sd/-
(P. Sam Koshy
Judge