

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 622 of 2019

1. Smt. Bhuneshwari Nirmalkar D/o Yogesh Kumar, Aged About 32 Years, R/o Village Bhalesar, Block - Berla, District - Bemetara Chhattisgarh.
2. Prahlad Yadav S/o Dashrath Ram Yadav, Aged About 32 Years, R/o Village Bija, Post - Deor Bija, Police Station Saja, District - Bemetara, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Tahsil And District Raipur, Chhattisgarh.
2. The Commissioner, Durg Division, District Durg, Chhattisgarh.
3. The Collector, Bemetara, District Bemetara, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Berla, District Bemetara, Chhattisgarh.
5. The Janpad Panchayat, Berla, Through Its Chief Executive Officer, District Bemetara, Chhattisgarh.

----Respondents

For Petitioners	:	Shri J.K.Gupta, Advocate
For State	:	Mr. A. N. Bhakta, Dy. A.G.

Hon'ble Shri Justice P. Sam KoshyOrder on Board01/02/2019

1. The challenge in the present writ petition is to the order dated 07.01.2016 passed by the Commissioner, Durg in Revision Case No. 113-A/89/2014-15, whereby the Revisional Court has affirmed the order passed by the Collector, Bemetara in Case No. 8-A/89/2014-15, vide order dated 09.07.2015.

2. The facts of the case is that the petitioners were initially appointed as Shiksha Karmi Grade-III by the respondent No.4, however, after having worked for sometime, the authorities, on a flimsy ground of the petitioners having obtained employment by producing fake documents, dismissed the services of the petitioners vide order dated 23.06.2014. The said order of termination was subjected to challenge before the Collector in an appeal, which was rejected on 09.07.2015. The order of the Collector was further affirmed by the Revisional Authority vide order Annexure P/1 dated 07.01.2016. It is this order, which is under challenge in the present writ petition.

3. The counsel for the petitioners submits that the issue involved in the present case has already been considered by this Court in a bunch of writ petitions, which were decided on 31.10.2018, the leading case of which is **WPS No. 1420/2016 (Bhudhar Prasad Tiwari & Ors. v. Divisional Commissioner, Durg & Ors.)** and other analogous writ petitions. He further submits that the challenge in those bunch of writ petitions also was of the same order passed by the Collector as well as by the Commissioner and in the operative part of the order, this Court has held as under:

“11. Given the aforesaid facts and circumstances of the case, all these writ petitions also deserve to be decided in similar terms as in case of Rohini Jha (Supra) in WPS No.984 of 2018 decided on 20.04.2018. It is ordered accordingly.

12. Accordingly, all the writ petitions stand allowed and disposed of in terms of Rohini Jha's case. The impugned orders of termination, rejection of their appeals by the

appellate authority as well as revisional authority all stand set aside/quashed for similar reasons as had been held in Rohini Jha's case, reserving the right of the department to proceed further, if they intend to do so, in accordance with provisions of law.”

4. The said order dated 31.10.2018 in the bunch of writ petitions, which were disposed of by this Court, again was in the light of an order passed by this Court in an earlier round of litigation, that was in the case of **“Rohini Jha & Anr. v. State of Chhattisgarh & Anr.”** (WPS No. 984/2018) decided on 20.04.2018.

5. The said factual matrix of the case is not disputed by the State counsel, except for the fact that the State counsel raises a question of delay on the part of the petitioners in challenging the impugned order in the present writ petition. The contention of the State counsel, so far as delay part, do not have much force for the reason that in the bunch of writ petitions, which this Court had decided on 31.10.2018, there are writ petitions of the year 2018, as also the petitions of the year 2017, which have got decided and therefore, the case of the petitioners, would be at par with those petitioners.

6. Under the circumstances, this Court is of the firm view that the present case also deserves to be and is accordingly disposed of in terms of the order passed by this Court on 31.10.2018 in WPS No. 1420/2016 and other analogous writ petitions.

7. Needless to mention that, since the Writ Petition is being allowed on the ground of non-compliance of Rule 7, the right of the Department would stand

reserved, if they feel so may initiate appropriate proceedings in accordance with the said rules.

8. With the aforesaid observations, the Writ Petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Sumit