

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3841 of 2019

Gulab Chand Yadav S/o Late Shri Arjun Lal Yadav Aged About 35 Years
Post- Peon, R/o Beltukari (Kasondi), Thana Masturi, District- Bilaspur,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Ministry Mahanadi Bhavan, New Raipur, District- Raipur, Chhattisgarh
2. District Education Officer, District Janjgir-Champa, Chhattisgarh
3. District Education Officer, Mungeli, District- Mungeli, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Deepak Kumar Singh, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/05/2019

1. The limited prayer that the petitioner has made in the present writ petition is for an appropriate direction to the respondents to consider his representation for being taken back in service after the judgment of acquittal that has been issued in his favour on 07.11.2015.
2. The facts of the case is that the petitioner is said to have been given an order of appointment way back on 30.01.1999 on the post of Peon. The petitioner worked on the said post till 30.01.2019, when the services of the petitioner were removed on the ground of the petitioner getting implicated in a criminal case for the offence under Sections 420, 120B, 465, 467, 468 & 471 of Indian Penal Code. According to the petitioner, the said criminal case finally has resulted into his acquittal vide order dated 07.11.2015 in criminal case No. 838/2014 decided by the Judicial Magistrate First Class, Mungeli. According to the petitioner now that the petitioner having been acquitted, he

may be granted joining back in the establishment from where he has been removed.

3. The stand of the State counsel was that the very basis for removing the petitioner was that he has obtained employment by fraud, in fact there was no order of appointment issued against the petitioner. Moreover, the Department had been asking the petitioner to produce the order of appointment, if any, so as to determine whether the appointment given to the petitioner was proper, legal and justified or not.
4. According to the State counsel, in the absence of an order of appointment being produced, the appointment of the petitioner itself has to be doubted.
5. Given the said facts, this Court is of the opinion that subject to the petitioner's making available the appointment order or the copy of appointment order and other proof, so far as the initial appointment is concerned to the authorities along with a detailed representation, if he so chooses, the authorities concerned may take a decision in accordance with law.
6. Needless to mention that this Court has not expressed any opinion so far as the entitlement of the petitioner is concerned. It shall be purely left upon the authorities concerned to take a suitable decision based on the proof to be produced by the petitioner.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge