

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5164 of 2018**

Dr. Smt. Madhulika Lal W/o Shri C.B. Lal Aged About 59 Years R/o Jarhabhata, Mandir Chowk, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Commissioner, Higher Education, Directorate Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh.
3. Regional Deputy Director, Higher Education Regional Office, Bilaspur, District Bilaspur Chhattisgarh.

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For Petitioner	:	Mr. Manoj Paranjpe, Advocate
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For State	:	Mr. Sunita Jain, Govt. Advocate.
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/02/2019**

1. The Challenge in the present writ petition is to the order of termination dated 30.7.2018. The plain reading of order of termination Annexure P-1) would show that the basis for terminating the services of the petitioner was the order of High Level Caste Scrutiny Committee dated 27.12.2017.
2. The return of the respondents have been filed and in their return the respondents themselves had brought in the order (Annexure R-1) dated 25.08.2018 which clearly shows that the order dated 27.12.2017 has already been recalled holiday the same have been passed by an incompetent Committee. Subsequent order dated 25.08.2018 passed by the High Level Caste Scrutiny Committee is already under challenged before this Court in Wps No. 6538/2018. The only issue now left is whether in light of the earlier order passed by the High Level Caste

Scrutiny Committee dated 27.12.2017 having been recalled and also held to be have been passed by the incompetent Committee whether the termination order based on the said committee's report dated 30.07.2017 could be sustained in the eye of law or not.

3. It is settled position once when the basis on which the order has been passed itself has been recalled or has been held to have been passed by the incompetent Committee, any decision taken by the Authority based on the said report would also not be sustainable. The impugned order Annexure P-1 dated 30.07.2018 thus would not be sustainable as of now. Reserving the right of the respondent to take an appropriate decision pursuant to the subsequent finding of the Committee dated 25.08.2018, the impugned order (Annexure P-1) stands set aside/quashed with consequences to follow
4. Accordingly the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit