

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS. No. 6780 OF 2019**

Rajendra Prasad Das S/o Shri Nishamadi Das Aged About 50 Years
Presently Posted As Block Education Officer, Nagari, (T - Samvarg)
Office Of BEO Near BRC Office Nagari, District Dhamtari Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur Chhattisgarh.
2. Directorate Of Public Instructions Through Its Director, Indrawati Bhawan, Nava Raipur District Raipur Chhattisgarh.
3. Collector Dhamtari Collectorate, Dhamtari, District Dhamtari Chhattisgarh.
4. District Education Officer Dhamtari, District Dhamtari Chhattisgarh.

---Respondent(s)

For Petitioner	:	Mr. Abhyuday Singh, Adv.
For State	:	Ms. Sunita Jain, G.A.

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

04.09.2019

1. With the consent of the parties the matter is heard finally and disposed off at the motion stage itself.
2. The Challenge in the present writ petition is to the order (Annexure P-1) dated 23.08.2019 whereby the petitioner has been placed under suspension under Rule 9 of Chhattisgarh Civil Service (Classification, Control and Appeal) Rules, 1966.
3. The impugned order has been passed by the Collector District Dhamtari, the petitioner substantially is a Block Education Officer (T Cadre) Block Nagri under District Dhamtari.
4. The Petitioner is a class-II holder under the rules of 1966. The power to place an officer to class-II rank under suspension has been vested with the Commissioner so far as the Collector is concerned,

he has been empowered to place an employee under suspension only belonging to the class-III and Class IV cadre.

5. Given the aforesaid facts & circumstances of the case, this Court is of the opinion that, the impugned order so far as the same having issued by a Collector is not sustainable as the same has been passed by an Incompetent Officer, the same therefore deserves to be and is accordingly set aside/quashed. However, respondent authorities rights sand reserved to issue a fresh order of suspension by a Competent Authority under the Rule 1966.
6. The view stands fortified by the decision of this Court rendered in the case of Ravindra Ku. Tekam Vs The State of Madhya Pradesh 2015 Lab IC 2458
7. With the aforesaid liberty given to the State Govt., the present writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge