

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 7748 of 2019**

B.S. Banjare S/o C.R. Banjare Aged About 53 Years R/o Beside Of Minj, I.T.I. Khairaha Bhatha, Bilaspur Road, Sarangarh, Tahsil and P.S. Sarangarh, District- Raigarh, Chhattisgarh.

**---- Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya New Raipur, Chhattisgarh.
2. Under Secretary Department Of School Education, Mahanadi Bhawan, Mantralay New Raipur, District- Raipur, Chhattisgarh.
3. Director Directorate of Chhattisgarh Public Instruction, Indravati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
4. District Education Officer Raigarh, District- Raigarh, Chhattisgarh.

**---Respondents**

---

|                |   |                                       |
|----------------|---|---------------------------------------|
| For Petitioner | : | Shri Ajay Shrivastava, Advocate.      |
| For State      | : | Ms. Ishwari Dhritlahre, Panel Lawyer. |

---

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**24.09.2019**

1. At the outset, learned counsel for the petitioner makes a limited request that the respondent authorities may reconsider the case of the petitioner so far as revocation of suspension is concerned.
2. According to the petitioner, he was placed under suspension on 03.05.2018 as such it is about 1 and ½ years of time that the petitioner is placed under suspension. He further submits that the petitioner is not, in any manner, responsible for the delay in the conclusion of the Departmental Enquiry. The delay, if any, at all, is on the part of the department and there is no good reason why the petitioner should not be taken back in service pending the outcome of the Departmental Enquiry.
3. Given the facts and circumstances of the case, this court is of the opinion that true it is that the appeal of the petitioner against the order of

suspension was rejected vide order dated 20.09.2018 but it has been more than one year that the appeal stands rejected. The departmental enquiry also till date is not concluded and from the contention of the petitioner, he is not responsible for the delay caused in conclusion of departmental enquiry.

4. In view of the aforesaid facts and circumstances of the case, let the respondents No.1&3 consider the case of the petitioner once again as to whether there is any necessity for continuing suspension of the petitioner or whether the petitioner can be taken back in service subject to outcome of the departmental enquiry. Let an appropriate decision be taken at the earliest by the respondents No.1&3 so far as reconsidering the suspension order of the petitioner is concerned. While deciding the same, the respondent authorities are expected to keep in mind the judgment of the Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India & Another, 2015(7)SCC 291.
5. The writ petition accordingly stands disposed of.

Sd/-  
(P. Sam Koshy)  
**Judge**

inder