

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 1094 of 2019**

Dhaniram Rajwade S/o Shri Sohan Ram Aged About 51 Years Presently Posted As Assistant Teacher (L.B.), At Government Primary School, Sitkapara, Surajpur, Chhattisgarh. R/o Village Pathakpur, Po Kalyanpur, Tahsil And Block Surajpur, District Surajpur, Chhattisgarh.

---- **Petitioner**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh.

---- **Respondent**

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. H.S. Ahluwalia, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/10/2019**

1. This writ petition has been preferred by the petitioner stating *inter alia* that his name has not been mentioned amongst the 99 'Shikshakarmis' against whom FIR No. 263/15 dated 08/07/2015 has been lodged by CEO Janpad Panchayat Surajpur at Police Station, Surajpur, yet his service book has been seized by the Station House Officer and are not being released.
2. Mr. Ishan Verma, learned counsel for the petitioner would submit that as petitioner's service book is seized, he is suffering and the benefit of increment along with other benefits are not extended to him, therefore, appropriate direction be issued for releasing his service book.

3. Mr. H.S. Ahluwalia, learned Deputy Advocate General for the State, on instructions, would submit that if the competent officer or the concerned department moves an application for release of petitioner's service book, if not required for further probe, the service book will be released by the Station House Officer.
4. I have heard learned counsel for the parties, considered their submissions and perused the records.
5. Taking into consideration the submission made by learned counsel for the petitioner that neither the petitioner is accused person nor his name has been mentioned anywhere in the FIR in question, as stated at the Bar, Block Education Officer, Surajpur may move an application for release of service book of the petitioner to the Superintendent of Police, Surajpur within three weeks from the date of receipt of a copy of this order and that application will be considered and decided by the Superintendent of Police, Surajpur within further two weeks and if petitioner's service book / necessary records are not necessary for investigation of the said offence, they shall be released to the competent officer / concerned department of the Block Education Department. The service book will be kept in custody of the Block Education Officer, Surajpur for production as and when necessary and it will not be destroyed / changed without the leave of the District Magistrate, Surajpur, however, necessary entry with regard to the increments, etc. shall be made by the competent officer / concerned department and if required, service book will be produced before the competent authority/Court.

6. With the aforesaid directions, these writ petitions stand disposed of. No order as to cost(s).
7. A copy of this order be sent to the Block Education Officer, Surajpur by e-mail/fax for needful and compliance.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet