

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 1114 of 2019**

Manoj Tirkey S/o Shri Bagar Sai Aged About 32 Years Presently Posted As Assistant Teacher (L B) At Government Primary School, Dandpara, Sunderganj, Surajpur, Chhattisgarh. R/o Village Kundurdihari Ambikapur, District Surguja, Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

WPCR No. 1115 of 2019

Narendra Kumar Sharma S/o Shri Jadish Prasad Sharma Aged About 49 Years Presently Posted As Assistant Teacher (Lb), At Government Primary School, Baherapara Basdei, Surajpur, Chhattisgarh. R/o Village Khadgava Post Banja Surajpur, District Surajpur Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

WPCR No. 1116 of 2019

Krishna Lal Thakur S/o Late Shri Shiv Prasad Thakur Aged About 46 Years Presently Posted As Assistant Teacher (Lb), At Government Primary School Linepara Kumda Basti, Surajpur, Chhattisgarh, R/o Village Chungedi Bhaiyathan Surajpur, District Surajpur, Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

WPCR No. 1117 of 2019

Patram Singh S/o Late Hansraj Singh Aged About 49 Years Presently Posted As Assistant Teacher (L B), At Government Primary School,

Parasapara, Surajpur Chhattisgarh. R/o Village Chitkahi Para, Banja Tahsil
- Bhaiyathan District - Surajpur Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

WPCR No. 1118 of 2019

Dinesh Kumar Sahu S/o Shri Chhabiraj Sahu Aged About 37 Years
Presently Posted As Assistant Teacher (L.B.) At Government Primary
School , Sunderganj, R/o Old Mines Nagar Panchayat Bhatgaon , P.O.
Bhatgaon Block Bhaiyathanthana Police Station Bhatgaon District Surajpur
Chhattisgarh Pin 497235.

---- **Petitioner**

Versus

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

---- **Respondent**

For Petitioners	:	Ms. Diksha Gouraha, Advocate
For State	:	Mr. Ravi Bhagat, Deputy Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24/10/2019

1. These writ petitions have been preferred by the petitioners stating *inter alia* that their names have 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 their service books have been seized by the Station House Officer and are not being released.
2. Ms. Diksha Gouraha, learned counsel for the petitioners would submit that as petitioners' service books are seized, they are

suffering and the benefit of increment along with other benefits are not extended to them, therefore, appropriate direction be issued for releasing their service books.

3. Mr. Ravi Bhagat, learned State counsel, on instructions, would submit that if the competent officer or the concerned department moves an application for release of petitioners' service books, if not required for further probe, the service books 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 petitioners that neither the petitioners are accused persons nor their names have 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 books of the petitioners 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, within further two weeks and if petitioners' service books / 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 books will be kept in custody of the Block Education Officer, Surajpur for production as and when necessary and they 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 books 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