

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 1147 of 2019**

Panmeshwar Ram Rajwade S/o Shri Jatin Ram Rajwade Aged About 39 Years Presently Posted As Assistant Teacher (L.B.), At Government Middle School Sadakpara, Tulsi, Surajpur Chhattisgarh R/o Village Bojha, Post Songar, Block Pratappur, District Surguja Chhattisgarh.

---- Petitioner**Versus**

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

---- Respondent**WPCR No. 1148 of 2019**

Sangita Vaishwas W/o Shri Dilip Vishwas Aged About 36 Years Presently Posted As Assistant Teacher (L.B.), At Government Primary School (Tribal Welfare) Keshavnagar, Giravganj, Surajpur Chhattisgarh R/o Ajirma, Post Raghavpuri, District Surguja Chhattisgarh.

---- Petitioner**Versus**

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

---- Respondent

For Petitioners	:	Ms. Akshara Amit, Advocate
For State	:	Mr. H.S. Ahluwalia, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/11/2019**

- Both of 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. Akshara Amit, 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. 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 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, Surajpur 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, services 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