

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 5304 OF 2011**

- Manoj Kumar Sharma, aged 38 years, S/o Late Premnarayan Sharma, R/o near Dixit Lodge, Durg, District Durg (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Water Resources, Mantralaya, DKS Bhawan, Raipur.
2. The Executive Engineer, Water Resources Division, Rajnandgaon (CG)

... Respondents

For Petitioner	:	Mr. R.K. Kesharwani, Advocate.
For Respondents	:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/01/2020**

1. Challenge in the present writ petition is to the action on the part of the respondents in issuing Annexure P-1, dated 26.7.2011, whereby the registration of the petitioner as a class 'C' contractor has been cancelled.
2. The respondents entered appearance and filed their reply and in their reply they have categorically submitted that the petitioner was initially granted registration vide order dated 7.10.2009, however, subsequently it was found that the petitioner was in fact convicted in Sessions Trial No. 180/1994 and the Trial Court initially vide its judgment of conviction dated 31.1.1996 had convicted the petitioner for the offence punishable under Section 302/34 of IPC and inflicted him with the punishment of life imprisonment with fine. The said judgment of conviction was subjected to challenge before the High Court in Criminal Appeal No. 88/1995 and the said appeal was partly allowed by the High Court vide judgment dated 22.3.2005 whereby the judgment of conviction passed by the Trial court was modified to the extent that the petitioner was not found guilty for the offence under Section 302/34 of IPC but was convicted for the offence under Section 304 (Part-I) of IPC and he was given the punishment to the sentence already undergone. The petitioner had already undergone the imprisonment of around 11 years.

3. Given the aforesaid admitted factual matrix of the case, this Court is of the opinion that once when the facts stand admitted that the petitioner being a convict for the offence under Section 304 (Part-I) of IPC and he has also undergone the imprisonment for the same, the action on the part of the respondents in de-registering the petitioner as a class 'C' contractor cannot be held to be bad in law, arbitrary or illegal.

4. It is always expected that the registration of a person would be subjected to enquiry and is also expected that the registration of a contractor would be only subject to his fulfilling the fact that he does not have any disability so far as his credentials are concerned. Section 304 of IPC is one of the offence which falls under the schedule of 'moral turpitude', as is reflected from the notification dated 20.12.2007 (Annexure R-1) published by the State Government. Once when the petitioner has a disability of being a convict for the offence amounting to moral turpitude, the action on the part of the respondents cannot be held to be in any manner illegal.

5. The writ petition thus fails and is accordingly dismissed.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE