

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 31 of 2020**

Smt. Jasinta Toppo, aged about 34 years, D/o Ignasiyus Toppo, Asstt. Teacher (L.B.), Govt. High School, Khadgawa, R/o Mishra Gali, Surajpur, District Surajpur (C.G)

----Petitioner.

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Home, Mantralaya Bhawan, New-Raipur.
2. The Superintendent of Police, District Surajpur (C.G.)
3. The District Education Officer, Surajpur, District Surajpur (C.G.)
4. Block Education Officer, Surajpur, District Surajpur (C.G.)

---- Respondents

For Petitioner : Mr. Ravindra Agrawal, Advocate.
For Respondents/State : Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/01/2020

1. This writ petition has been preferred by the petitioner stating *inter alia* that her 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 her service book has been seized by the Station House Officer and is not being released.
2. Mr. Ravindra Agrawal, learned counsel for the petitioner would submit that as petitioner's service book is seized, she is suffering and the benefit of increment along with other benefits are not extended to her, therefore, appropriate direction be issued for releasing her service book.
3. Mr. Rahul Jha, Govt. Advocate 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 her 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 books / necessary records are not necessary for investigation of the said offence, she 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 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 book will be produced before the competent authority/Court.
6. With the aforesaid direction, the writ petition (Cr.) stands 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

D/-

