

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 430 of 2020**

Shrimati Dehuti Sahu W/o Shri Lukesh Sahu Aged About 36 Years
Resident Of Bamleshwari Colony, Borsi Ward No. 51, Police Station
Pulgaon, District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh (Through Joint Director, Education, Division Durg) Ge Road, Durg, Chhattisgarh
2. District Education Officer, Balod, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kishore Bhaduri, Advocate along with Mr. Pankaj Singh, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/01/2020**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 11.10.2019. Vide the said order, the District Education Officer, District Balod has dismissed the petitioner from service. The dismissal has been on account of the petitioner getting convicted in a criminal case for the offence under Section 332 of the Indian Penal Code and the judgment of conviction also having being affirmed in Criminal Appeal.
2. At the outset, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order for the reason that the fact stands admitted that the petitioner was prosecuted and convicted for the offence under Section 332 of the Indian Penal Code. From the impugned order, it also reflects that the order of conviction has been affirmed in the Criminal Appeal, against

which the petitioner has preferred a revision before this Court which is pending consideration.

3. As long as the conviction operates against the petitioner as there has been no stay of the conviction part granted by either the Appellate Court or by the Revisional Court, the petitioner stands as a convict and would have the automatic disqualification of remaining a government employee any further.
4. Under the circumstances, if the respondents have invoked the provisions of law and have removed the petitioner, the same cannot be held to be either bad in law in any manner.
5. Rule 19 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 clearly provides for the circumstances, under which inspite of the provisions of Rules 14 & 18 the authorities can terminate the services of a person on being convicted in a criminal case.
6. The only recourse now available to the petitioner is to approach the authorities after the Criminal Revision, that has been filed by the petitioner, is finally adjudicated in favour of the petitioner and the petitioner stands acquitted from the charges leveled against him.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge