

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1071 of 2020**

- Kajal Sharma W/o Ajay Sharma Aged About 33 Years Earlier Posted As Shiksha Karmi Grade- III, At Government Girls Primary School Binjhra, R/o Bandhawapara Bilaspur, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Commissioner Bilaspur Division Bilaspur, Chhattisgarh
3. Collector Korba District- Korba, Chhattisgarh
4. Assistant Commissioner Tribal Welfare Department Korba, District- Korba, Chhattisgarh
5. Chief Executive Officer Zila Panchayat Korba, District- Korba, Chhattisgarh
6. Chief Executive Officer Janpad Panchayat Pondi-Uproda District- Korba, Chhattisgarh
7. Block Education Officer Block Pondi- Uproda, District- Korba, Chhattisgarh

---- Respondents

For Petitioner : Shri Ishan Verma, Advocate

For Respondents/State : Shri Priyank Rathi, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/02/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the present petition is been filed to reconsider the termination order of the petitioner which was passed on 31.08.2009 (Annexure P-3).

3. It is contended that the petitioner was appointed as Shiksha Karmi Grade-III in the year 2007 vide Annexure P-1 and subsequently she was terminated on the ground that she procured the employment on the basis of the forged experience certificate. It is stated that since the allegation was that on the basis of the forged document the service was procured a criminal prosecution was made, which eventually resulted in the acquittal by order dated 09.12.2019 by the JMFC. Therefore, the respondents may be directed to reconsider the order of termination afresh.
4. On specific query being made during the course of submission that whether the order of termination was challenged, it is submitted that initially the order of termination was under challenge before the Collector which was dismissed on 11.01.2010 and against such dismissal order of the Collector, the revision was preferred before the Commissioner, Bilaspur Division, which was dismissed on 31.05.2011. Thereafter, the proceeding was preferred before the Secretary, Panchayat and Rural Development Department that too was dismissed on 18.11.2013, however, subsequently, on 09.12.2019, the trial Court has passed the order of acquittal, therefore, the prayer to reconsider the order of termination is made.
5. Learned counsel for the petitioner would submit that in view of the law laid down by the Supreme Court in the case of **CAPT. M. Paul Anthony Vs. Bharat Gold Mines Ltd. And Another {(1999) SCC 679}** the order of termination of the petitioner requires to be reconsidered.
6. Perusal of the documents would show that the petitioner was terminated on 31.08.2009 and as has been stated that the termination was subject of appeal and revision under Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995.

Therefore, the termination order has been tested before the statutory appellate authority and revisional authority. It is on the basis of the subsequent acquittal order dated 09.12.2019 the present petition has been filed with a prayer to reconsider the order of termination. The perusal of the order of the JMFC, Katghora, District Korba would show that the order of acquittal was not on merit and acquittal was made by giving benefit of doubt to the accused. Furthermore, if the order of termination has been stood affirmed by the different appellate and revisional statutory forum, then in such case it is to be challenged again before those forums. The petitioner in the garb of this petition cannot get the delay condoned for any ensuing petition and any further order will amount to set aside the order of the Collector and Commissioner which stands against her. Those orders are not before this Court at this moment and are not under any challenge. Therefore, an order cannot be passed to achieve the object, which otherwise cannot be done having not been challenged.

7. The petition, therefore, is completely misconceived is liable to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu