

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1952 of 2020**

- Smt. Durgavati Usare W/o Shri Ashok Usare Aged About 41 Years Registrar (Under Suspension) , Chhattisgarh Nurses Registration Council , R/o F-7, Near CMO Office / Campus, Durg, District Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahandi Bhavan, Mantralaya , Atal Nagar, District Raipur Chhattisgarh
2. Upper Secretary Department Of Medical Education, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh.
3. Director Medical Education Old Nurses Hostel D.K.S. Bhawan Premises, Raipur Chhattisgarh
4. Chhattisgarh Nurses Registration Council Through The President, Office Of The Director Health Services, Indaravati Bhavan , 3rd Floor, Atal Nagar, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sandeep Dubey, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/05/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was suspended vide order dated 30.08.2019. The petitioner holds the post of Registrar in Chhattisgarh Nurses Registration Council which is governed by Chhattisgarh Upcharika, Prasavika, Sahai Upcharika- Prasavika tatha Swasthya Paridarshak Registration Adhiniyam, 1972 and the Rules framed

thereunder i.e. Chhattisgarh Nursing Registration Council (Recruitment and Condition of Service) Regulations, 2001 (for short Rules of 2001) . It is contended that as per Rule 40 of Rules of 2001 the Disciplinary Authority would be the Chhattisgarh Nursing Registration Council not the Upper Secretary, therefore the suspension order dated 30.08.2019, itself is without jurisdiction. He further submits that as per the Rule 9 (2-b) of C.G. Civil Services (classification, Control and Appeal) Rules, 1966 the mandatory provisions of compliance i.e. serve the charge sheet within a period of 45 days has not been carried out and the entire proceedings at the behest of respondent is bad in law. He further prays that since the entire exercise is without jurisdiction, the petitioner may be given liberty to raise this dispute before Respondent No. 1 within a period of 30 days.

3. Prima facie, after perusal of Rule 40 of Chhattisgarh Nursing Registration Council (Recruitment and Condition of Service) Regulations, 2001 and Rule 9 (2-b) of C.G. Civil Services (Classification, Control and Appeal) Rules, 1966, as the petitioner holds the post of Registrar and the Disciplinary authority is prescribed as Chhattisgarh Nursing Registration Council, in view of the same if the services of petitioner is governed by the Rule supra when the suspension order has been issued by the Upper Secretary dated 31.08.2019 the same requires to be reconsidered. Under the circumstances, the petitioner is given liberty to make a representation within a period of 30 days from today before No. 1 and Respondent No. 1, thereafter shall be obliged to decide the same within a period of 90 days from the date of receipt of a copy of this order and the petitioner shall be at liberty to file a fresh petition if cause of action arises in future.

4. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge