

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 1080 OF 2020**

• Shyam Murat Kaushik, S/o Mitlal Kaushik, aged about 48 years, R/o Village Dhandhan, P.S. Takhatpur, District Bilaspur (CG), occupation- Mahasachiv at Pradesh Kurmi Samaj, Bilaspur, District Bilaspur (CG) ... **Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Department of Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur (CG)
2. Director, Department of Chhattisgarh of Directorate Public Instructions, Raipur, District Raipur (CG)
3. Hemant Upadhyay, District Education Officer, Bilaspur, District Bilaspur (CG) ... **Respondents**

For Petitioner	:	Mr. Pradeep Kumar Jogi, Advocate.
For Respondent-State	:	Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/05/2020

1. The present Writ Petition has been filed by the Petitioner seeking for the following reliefs :-

“(i) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ by directing the respondent no. 1 to 2 to take necessary steps upon complaint of the petitioner according to the law laid down by Hon'ble Court in the case of Lalita Kumar Vs. State of U.P., in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to grant compulsory retirement to respondent no.3 for medically unfit, in the interest of justice.

(iii) That, this Hon'ble Court may kindly be pleased to register FIR against respondent no.3 due to more than Rs. 3,00,000/- has embezzlement for expenses of Govt. fund amount, and may kindly be pleased to recover the expenses amount from respondent no.3, in the interest of justice.

(iv) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to take departmental action against the respondent no.3, in the interest of justice.

(v) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities for departmental inquiry action against the respondent no.3 during service of the respondent no.3 at Bilaspur, in the interest of justice.”

2. At the outset, this Court is of the opinion that the present Writ Petition would not be maintainable for the reason that it is not a petition which has been filed challenging any of the constitutional rights of the Petitioner which has been adversely affected. Perusal of record does not show any of the fundamental rights of the Petitioners getting infringed which compelled him to approach this Court. It appears that the Petitioner has filed the present Writ Petition primarily seeking for a relief against the Respondent No.3.

3. Given the fact that none of the constitutional rights of the Petitioner have been adversely affected, the present Writ Petition in its present form would not be maintainable.

4. The Writ Petition accordingly stands dismissed as not maintainable.

/Sharad/

Sd/-
(P. Sam Koshy)
JUDGE