

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPCR No. 335 of 2020**

- Harishankar Lal Dubey S/o Shri Chawlanand Dubey Aged About 35 Years Presently Posted As Assistant Teacher (LB), At Government Primary School, Brijnagar, Chhattisgarh, R/o Village Latori, Thana Jaynagar, District Surajpur, Chhattisgarh.

**----- Petitioner****Versus**

- State of Chhattisgarh through the Station House Officer, Police Station Surajpur, District Surajpur, Chhattisgarh.

**----- Respondent**


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For Petitioner :- Mr. Ishan Verma, Advocate.

For State/Respondent :- Mr. Ravi Bhagat, Dy. G.A.

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****11/08/2020**

1. Proceedings of this matter have been taken up through video conferencing.
2. This writ petitions has been preferred by the petitioner stating *inter alia* that his 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 his service book has been seized by the Station House Officer and is not being released.

3. Mr. Ishan Verma, learned counsel for the petitioner would submit that as petitioner's service book is seized, he is suffering and the benefit of increment along with other benefits are not extended to him, therefore, appropriate direction be issued for releasing his service book.
4. Mr. Ravi Bhagat, learned State counsel, 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.
5. I have heard learned counsel for the petitioner, considered his submissions and perused the records.

6. Taking into consideration the submission made by learned counsel for the petitioner that neither the petitioner is accused person nor his 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, within further two weeks and if petitioner's service book / necessary records is/are not necessary for investigation of the said offence, it 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 it 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, service book will be produced before the competent authority/Court.

7. With the aforesaid directions, the instant writ petition stand disposed of. No order as to cost(s).

8. 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**

Ankit