

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3572 of 2020**

- Ramesh Kumar Markandey S/o Shri Dayal Das Aged About 40 Years Working As Government Teacher Under The Municipal Council, Bemetara And Posted In Middle School, Kobiya (Subject Maths) R/o Village Murkuta, Post Hardi, Tahsil Navagarh, District Bemetara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development Nava Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Chief Municipal Council Office Of The Municipal Council Bemetara, District Bemetara Chhattisgarh
3. Collector O/o The Collector, District Bemetara Chhattisgarh
4. District Education Officer District Bemetara Chhattisgarh

---- Respondents

For Petitioner : Shri Vivek Verma, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****23/09/2020**

1. Heard.
2. The instant petition is against the order dated 02.07.2020 whereby the services of the petitioner have been terminated by the Chief Municipal Officer, Municipal Council, Bemetara.
3. Learned counsel for the petitioner submits that the petitioner belongs to Shiksha

Karmi cadre and his services are governed by the Chhattisgarh Nagar Palika Shiksha Karmi (Bharti Tatha Seva Ki Shartein) Niyam, 2008 (for short 'the Niyam, 2008') and as per Rule 11 of the Niyam, 2008, the services of an employee are to be terminated by giving one month notice. Further as per Rule 13 of the Niyam, 2008 any order passed under Niyam, 2008, the appeal would lie as per the Municipalities Act, 1961 (for short 'the Act, 1961').

4. Chapter X, Section 307 (1) (b) of the Act, 1961 mandates that any order passed by the Chief Municipal Officer under bye-laws made for the purposes of the Section or any order made appealable by such rules or bye-laws, appeal may be filed to the Appeal Committee within a period of 30 days from the date of such order.
5. Accordingly, since the petition has been filed against the termination, the statutory appeal under Section 307 (1) (b) of the Act, 1961 is available, therefore, I am not inclined to exercise the power vested under Article 226 of the Constitution of India. The petitioner therefore is given the liberty to file an appeal before the appellate authority within a period of 30 days from today.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu