

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Criminal) No.452 of 2020**

- Brijbihari Singh S/o Late Shiv Vibhuti Singh Aged About 46 Years
Occupation Service, Assistant Teacher (L.B.) Primary School.
Bhatthapara, Maheshpur, Post Latori, Police Station Jaynagar,
Block, Tahsil And District- Surajpur, Chhattisgarh. R/o. Sattipara,
City ambikapur Post, PS & Tahsil Ambikapur Distt. Surguja (CG)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Home Mantralaya, New- Raipur, Chhattisgarh,
2. The Superintendent Of Police District- Surajpur, Chhattisgarh
3. The Station House Officer, Surajpur District Surajpur, Chhattisgarh
4. The District Education Officer, Surajpur District Surajpur, Chhattisgarh
5. Block Education Officer, Surajpur District Surajpur, Chhattisgarh

---Respondents

For Petitioner : Shri AK Prasad, Advocate

For Respondents/State : Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05.10.2020.**

1. Proceedings of this matter have been taken up for admission through Video Conferencing.
2. This writ petition 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. AK Prasad, 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. Jitendra Pali, learned Deputy Advocate General for the State, 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 parties, considered their 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, Surajpur within further

two weeks and if petitioner's service book / necessary records 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 they 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, services book will be produced before the competent authority/Court.

7. With the aforesaid directions, this writ petition stands 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