

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4416 OF 2020**

- Jitendra Singh S/o Late Shri Rajballav Singh Aged About 48 Years Assistant Teacher (L.B.) Posted At Government Primary School, Peeperpara (Chandramedha), Block Bhaiyathan, District Surajpur (CG), R/o Ds 755, Old Mines, Bhargaon Colliery, Block Ande Tahsil Bhaiyathan, District Surajpur (CG)

... Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department , Mantralaya , Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Secretary, Panchayat And Rural Development , Mantralaya , Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
3. Director, Directorate Of Public Education, Indrawati Bhawan, Naya Raipur, District : Raipur (CG)
4. Collector, Surajpur, District Surajpur (CG)
5. Chief Executive Officer, Zila Panchayat, Surajpur, District Surajpur (CG)
6. Chief Executive Officer, Janpad Panchayat, Bhiyathan, Distt. Surajpur (CG)
7. Sub Divisional Officer (Revenue), Division Ambikapur, District Surguja(CG)
8. District Education Officer, District Surajpur (CG)

... Respondents**WRIT PETITION (S) NO. 4422 OF 2020**

- Smt. Madhulata Rani Lakra D/o Shri Nayansukh Lakra, W/o Shri Ajit Tigga, Aged About 40 Years Asst. Teacher (L.B.) Posted At Government Primary School, Uparpara (Katinda), Block Bhaiyathan, District Surajpur (Chhattisgarh) R/o Village Khorma (Pratappur) Block And Tahsil Pratappur, District Surajpur (CG)

... Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department , Mantralaya , Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Secretary, Panchayat And Rural Development, Mantralaya , Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
3. Director, Directorate Of Public Education, Indrawati Bhawan, Naya Raipur, District : Raipur (CG)
4. Collector, Surajpur, District Surajpur (CG)
5. Chief Executive Officer, Zila Panchayat, Surajpur, District Surajpur (CG)
6. Chief Executive Officer, Janpad Panchayat, Bhiyathan, Distt. Surajpur (CG)
7. Sub Divisional Officer (Revenue), Division Ambikapur, District Surguja(CG)
8. District Education Officer, District Surajpur (CG)

... Respondents**WRIT PETITION (S) NO. 4426 OF 2020**

- Ashok Kumar Mishra, S/o Shri Ayodhya Prasad Mishra, Aged About 45 Years Asst. Teacher (L.B.), Posted At Government Primary School, Peeperpara (Chandramedha), Block Bhaiyathan, District Surajpur (C.G.), R/o Village And Post Office - Kevra, Block And Tahsil Pratappur, District Surajpur (CG)

... Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department , Mantralaya , Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Secretary, Panchayat And Rural Development, Mantralaya , Mahanadi Bhawan, Naya Raipur, District Raipur (CG)

3. Director, Directorate Of Public Education, Indrawati Bhawan, Naya Raipur, District : Raipur (CG)
4. Collector, Surajpur, District Surajpur (CG)
5. Chief Executive Officer, Zila Panchayat, Surajpur, District Surajpur (CG)
6. Chief Executive Officer, Janpad Panchayat, Bhiyathan, Distt. Surajpur (CG)
7. Sub Divisional Officer (Revenue), Division Ambikapur, District Surguja(CG)
8. District Education Officer, District Surajpur (CG)

... Respondents

For Petitioners	:	Ms. Meena Shastri, Advocate.
For Respondents	:	Mr. Mateen Siddiqui, Dy. A.G. along with Mr. Rahul Jha, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/11/2020

1. The present three Writ Petitions, where the issue involved being common, are being disposed of by this common order.
2. Challenge in the present three Writ Petitions seem to be the documents, Annexures P-1, P-2 & P-3. Annexure P-3 is the oldest order which is a report submitted by the Sub Divisional Officer, Ambikapur to the Chief Executive Officer, Jila Panchayat, Surajpur, submitting that in the recruitment of eighteen Shiksha Karmis in the year 2006 including the petitioners there seems to be some irregularities committed and eighteen persons seem to have obtained employment on the basis of fake and fraudulent documents.

Out of the eighteen persons, fourteen had on an earlier occasion approached this Court by way of separate writ petitions, leading of which being WPS No. 1626/2012, and these fourteen Writ Petitions were clubbed together and disposed of by a common order passed by this Court on 25.10.2013. While disposing of the said Writ Petitions, this Court had made the following observations:-

“7. It has been informed that pursuant to interim order dated 10.03.2010 passed in WPS No. 804 of 2010, whereby the said part of the order directing lodging of FIR has been suspended by this Court, the petitioners are still continuing in service and FIR has not been lodged. Thus, instead of keeping these writ petitions pending and considering the nature of controversy, the same are disposed of with the following directions:

- The concerned Janpad Panchayat shall proceed to conduct enquiry as directed by the Collector by serving a charge sheet to each of the Shiksha Karmi mentioned in the order of the Collector.
- The Chief Executive Officer shall complete the enquiry after recording specific finding with respect to each of the Shiksha Karmi about their service.
- Each of the Shiksha Karmi shall be granted full and effective opportunity of hearing before concluding the enquiry.

- On completion of enquiry and based upon its finding the concerned Chief Executive Officer shall proceed to take action in accordance with direction issued by the Collector within a period of six months from today.
- While recording finding one way or other the concerned Chief Executive Officer may consider the enquiry report, but the said report cannot form sole basis of finding and the finding recorded on the conclusion of enquiry shall be based on the entire material available before the enquiry officer, which shall be submitted by each of the Shiksha Karmi and any other evidence brought before the enquiry.
- During the enquiry proceeding, the interim order passed by this Court shall remain in force for a period of six months.”

3. Learned Counsel for Petitioners submits that pursuant to the disposal of the aforesaid Writ Petitions, the Jila Panchayat had conducted an enquiry and the allegations levelled against those fourteen persons have not been found true and as such they have been exonerated of the charges.

4. This contention of the learned Counsel for Petitioners is disputed by the learned State Counsel.

5. Learned Counsel for Petitioners further submits that now the Respondent No.5 again vide Annexure P-1 has made a correspondence to Respondent No.6 to submit his report so far as the enquiry which was supposed to be conducted against the Petitioners herein also along with the fourteen other persons who had approached this Court earlier in the aforementioned bunch of Writ Petitions.

6. Learned Counsel for Petitioners at this juncture submits the Petitioners have been working with the Respondents uninterruptedly since 2006 onwards and for the last fourteen years they have not been issued with any notice whatsoever in respect of any of those allegations which have been levelled against them. Further contention of learned Counsel for Petitioners is that as of now the grievance of the Petitioners would be redressed if the present Writ Petitions also could be disposed of in similar terms with the observations and directions given by this Court in the case of other fourteen persons, which was disposed of on 25.10.2013.

7. To this limited prayer that learned Counsel for Petitioners has made, learned State Counsel does not strongly oppose the same and submits that any decision shall be taken only after due opportunity of hearing being given to the Petitioners.

8. Given the said submissions by the learned Counsel appearing for the parties and also taking note of the directions which were given by this Court in an earlier round of Writ Petitions filed by the similarly placed persons, the present Writ Petitions also are being disposed of in similar terms directing the Respondents to grant a fair and reasonable opportunity of hearing to the Petitioners, if they intend to conduct an enquiry in respect of the alleged charges/allegations against the Petitioners, and only after a fair and reasonable opportunity of hearing would the Respondents take a decision.

9. With the aforesaid, these three Writ Petitions stand disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**

/Sharad/