

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 8695 of 2019**

Umashankar Sahu, S/o. Shri Firanta Sahu, Aged About 58 Years,
Assistant Grade-2 (Dismiss) In Office Of Block Education Office
Antagarh, Block Antagarh, District Kanker, R/o. Village Bhedani, Post
Saldha, Tahsil Berla, District Bemetara, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh.
2. The Director, School Education Department, Directorate, Indrawati Bhavan, New Raipur, Chhattisgarh.
3. The District Education Officer, North Baster, Kanker, District Kanker, Chhattisgarh.
4. The Block Education Officer Antagarh, Block Antagarh, District Kanker, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manoj Kumar Sinha, Advocate
For State/Respondents	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****02.03.2020**

Heard

1. Grievance of the petitioner is that the petitioner was terminated on 23.11.2016. It was for the reason that petitioner was convicted in a case by the Judicial Magistrate under Section 409 of I.P.C. and on 19.06.2015 in the appeal that was maintained. Subsequently, when the revision was filed before this Court in CRR No.1001/2016, the petitioner was acquitted of the charges by order dated 17.07.2019.
2. Learned counsel for the petitioner submits that before the petitioner was removed from the service, no departmental enquiry was conducted. It is only on the basis of conviction, the petitioner was removed; therefore, when the conviction has been set aside, the petitioner is entitled for the reinstatement along with the back wages. He would submit that under this background, the petitioner has filed an application before the District

Education Officer and pursuant thereto the communication has been made by the Deputy Director, Education, directing the respondent District Education Officer to pass the orders taking into view the acquittal order passed by the High Court in criminal revision. He further submits therefore the representation of the petitioner Annexure P-4, may be decided within a specified time.

3. Considering the prayer, since the petitioner was terminated on the basis of conviction made and no departmental enquiry was held, since the conviction has been set aside by the High Court then in such case the representation of the petitioner requires to be considered. Accordingly, it is directed that the petitioner may file a fresh representation to the District Education Officer alongwith the relevant copy of the High Court order and copy of this order, thereafter, the District Education Officer shall decide the representation of the petitioner in view of the background of the acquittal made by this Court within a period of two months from the date of receipt of the copy of representation.
4. In view of the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge