

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5899 of 2010**

1. Smt. Ramaiya Ekka W/o Shri Reevan Lakra, aged about 33 years, Occupation service, posted as Contract Teacher at Primary School Lanka Dand, Block Batouli, R/o Village Lanka Dand, Tahsil Batouli, District Surguja (CG)
2. Rameshwar Beck S/o Shri Jhagna Beck, aged about 40 years, Occupation Service, posted as Contract Teacher at Primary School Koilardodi, Block Batouli, R/o Koilardodi, Tahsil Batouli, District Surguja (CG)

----- Petitioners**Versus**

1. State of Chhattisgarh Through Secretary, Panchayat Department, D.K.S. Building, Raipur, District-Raipur (CG)
2. The Collector, Surguja at Ambikapur, District Surguja (CG)
3. Chief Executive Officer Zila Panchayat Ambikapur, Distt. Surguja (CG)
4. Chief Executive Officer Janpad Panchayat Batouli, Distt.-Surguja (CG)
5. Block Education Officer, Block Batouli, District Surguja (CG)
6. Khand Shrot Samanvyak, Rajiv Gandhi Shiksha Mission, Batouli, District Surguja (CG)

----- Respondents

For Petitioners : Mr. Awadh Tripathi, Advocate
 For Res.No.1, 2, 5 & 6 : Mr. Ravi Bhagat, Dy.G.A.
 For Respondents No.3&4 : None present

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board (Through Video Conferencing)****16.8.2021**

1. The petitioner herein calls in question legality, validity and correctness of the order dated 5.8.2010 (Annexure P-1) by which services of the petitioners

have been terminated by respondent No.4.

2. Mr. Awadh Tripathi, learned counsel for the petitioners, would submit that the petitioners' services have been terminated on the ground that they failed to file the documents showing that they have passed Higher Secondary Examination, whereas they have passed Higher Secondary Examination and certificates were also produced, but without affording an opportunity of hearing, the impugned order has been passed.

3. On the other hand, Mr. Ravi Bhagat, learned Deputy Government Advocate for respondents No.1, 2, 5 and 6/State, would support the impugned order.

4. None present for respondents No.3 and 4 though served.

5. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

6. The petitioners were earlier working on the post of Guruji. In order to appoint them on the post of Shiksha Karmi Grade-III, they were required to file certificates showing that they have passed Higher Secondary Examination. It is the case of the petitioners that they have filed certificates showing that they have passed Higher Secondary Examination,

but respondent-Janpad Panchayat, Batouli has taken ex-parte decision and their services have been terminated though no show-cause notice was served to them. If respondent-Janpad Panchayat, Batouli was not satisfied with certificates filed by the petitioners, they could have given notice and in that event, they could have satisfied the officers that they have valid Higher Secondary Examination passed certificates and therefore, they are eligible to be appointed on the post of Shiksha Karmi Grade-III, as such, for want of opportunity of hearing, they have suffered prejudice.

7. True it is that the petitioners were asked to submit their Higher Secondary passed certificates in order to appoint on the post of Shiksha Karmi Grade-III, which according to them, they have filed but it appears from the impugned order that nothing has been considered and holding that they have not passed Higher Secondary Examination and they could not produce necessary certificates, their services have been terminated, whereas if the authorities were not satisfied, they could have given an opportunity of hearing to the petitioners asking finally to produce certificates and if the petitioners fail to submit, their services could have been terminated, but that course has not been followed and without giving an opportunity of

hearing, their services have been terminated, which is in teeth of the principle of natural justice.

8. Accordingly, the impugned order dated 5.8.2010 (Annexure P-1) passed by respondent No.4 is set-aside. The matter is remitted to respondent No.4 who after serving notices to the petitioners and after hearing them will pass a fresh order within two months from the date of receipt of a copy of this order. The petitioners are at liberty to file additional documents in reply to show-cause.
9. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-