

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 6435 of 2010**

Niranjan Pandey, S/o Shri Jagdish Prasad Pandey,
Aged about 27 years, R/o Village Bhaisamuda,
Tahsil Kartala, Distt. Korba, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, through Secretary,
Department of Panchayat and Rural Development,
D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
- 2.Collector, Korba, Distt. Korba, Chhattisgarh.
- 3.Chief Executive Officer, Janpad Panchayat Pali,
Distt. Korba, Chhattisgarh.

--- Respondents

For Petitioner :- Mr. Pawan Shrivastava, Advocate
For State :- Mr. Ravi Bhagat, Dy. G.A.

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

05/08/2021

- 1.Mr. Pawan Shrivastava, learned counsel for the
petitioner, would submit that the order of
petitioner's termination dated 29/09/2009 was set
aside by this Court in WPS No. 5770/2009 and

liberty was granted to the respondents to take appropriate action/steps in accordance with law. Thereafter, without issuing and serving any notice to the petitioner, he has been terminated from service vide impugned order dated 04/09/2010 by passing a non-reasoned and non-speaking order, which is liable to be set aside.

2. Mr. Ravi Bhagat, learned State counsel, would oppose the submissions made by learned counsel for the petitioner and would support the impugned order.

3. I have heard learned counsel for the parties at length and perused the records.

4. Though petitioner's earlier order of termination dated 29/09/2009 was set aside by this Court and liberty was granted to the respondents to pass a fresh order after giving opportunity of hearing to the petitioner, but the impugned order dated 04/09/2010 simply records that notice dated 22/03/2010 has been served to the petitioner giving ten days time to him to file reply, no reply was filed by the petitioner and ultimately, the impugned order has been passed terminating the petitioner from the post of Shiksha Karmi Grade III. Petitioner's stand is that no notice

dated 22/03/2010 has been served to him and no such time has been granted to him to file reply. Even otherwise, no reason has been assigned in the impugned order as to why petitioner's service has been terminated except holding that in accordance with the meeting of the General Administration Committee dated 06/07/2010 and the proposal dated 26/08/2010 passed by the Block Education Officer, petitioner's certificates have been found to be forged and therefore, he has been terminated.

5. Since the impugned order terminating the services of the petitioner has not been passed by a reasoned and speaking order clearly indicating that enquiry has been conducted in which petitioner's certificates have been found to be forged and only the fact of petitioner's dismissal has been recorded whereas it ought to have been done by passing a reasoned and speaking order, consequently, the impugned order dated 04/09/2010 is hereby set aside and matter is remitted to Janpad Panchayat, Pali for affording a reasonable opportunity of hearing to the petitioner and supply of necessary documents and thereafter, a reasoned and speaking order will be

passed within 60 days from the date of receipt of copy of this order.

6. Accordingly, the writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet