

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5158 of 2011**

- Ku. Ankita Jain, D/o Shri Neelam Chand Jain, aged about 24 years, Occupation – Service, posted as Shiksha Karmi Grade-I, Government High School, Keshda, Block-Simga, District – Raipur (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, School Education Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. State of Chhattisgarh, Through the Chief Secretary, Panchayat and Rural Development Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
3. The Collector, Raipur, District Raipur (C.G.)
4. The Chief Executive Officer, District Panchayat, Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner	:	Smt. Indira Tripathi, Advocate.
For Respondents/State	:	Shri Avinash Singh, Panel Lawyer.

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

30.07.2021

1. Proceedings of this matter have been taken up through video conferencing.
2. The learned counsel for the Petitioner would submit that by order dated 08.07.2011, the Petitioner was appointed on the post of 'Shikshakarmi Grade-I'. But, the appointment order of the Petitioner has been cancelled by the Respondent No. 4 vide order dated 11.08.2011 (Annexure P/2) without affording an opportunity of hearing and without giving a show-cause notice to the Petitioner to explain her stand on her appointment on the post of 'Shikshakarmi Grade-I'.

3. As such, the impugned order is in violation of principles of natural justice and liable to be set aside.
4. Shri Singh, the learned Panel Lawyer for the State also appearing for Respondent No. 4 would support the impugned order.
5. I have heard the learned counsel for the parties, considered their rival submissions hereinabove and went through the records with utmost circumspection.
6. It is not in dispute that 08.07.2011, the Petitioner was appointed on the post of 'Shikshakarmi Grade-I' and holding disqualification by order dated 11.08.2011, the appointment order has been cancelled. But, no opportunity of hearing granted to the Petitioner and no show-cause notice was issued to the Petitioner to explain her stand and to support her appointment on the post of 'Shikshakarmi Grade-I' and which is clearly in violation of the principles of natural justice.
7. As such, the impugned order dated 11.08.2011 is hereby set aside. However, the Respondents are at liberty to proceed in accordance with law.
8. The writ petition is allowed to the extent indicated hereinabove.

Sd/-
(**Sanjay K. Agrawal**)
Judge