

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 332 of 2012**

Dhal Singh Sonber S/o Shri Gahiru Ram, Aged about 42 years, R/o Village Seoni, Post Office Admabag, Tahsil Balod, Distt. Durg, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through Secretary Tribal Welfare Department DKS Bhawan, Mantralaya, Raipur, Chhattisgarh.
- 2.The District Collector Dantewada, Bastar, Distt. Dantewada South Bastar, Chhattisgarh.
- 3.The Block Education Officer, Bhairamgarh, Distt. South Bastar, Distt. Dantewada, Chhattisgarh.
- 4.The Chief Executive Officer, Bhairamgarh, Distt. South Bastar, Dantewada, Chhattisgarh.

---Respondents

For Petitioner	:-	Mr. Sanjeev Kumar Sahu, Advocate
For Respondent 4	:-	Mr. R.S. Baghel, Advocate
For State	:-	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/09/2021

- 1.Petitioner herein calls in question the order dated 05/12/2005 (Annexure P/1) passed by respondent No.

3 by which his service on the post of Shiksha Karmi Grade III has been terminated.

2. Learned counsel for the petitioner would submit that impugned order is unsustainable and bad in law, as such, it is liable to be set aside.

3. Learned counsel for the respondents would submit that order dated 05/12/2005 (Annexure P/1) has been challenged in this writ petition filed on 19/01/2012, as such, it suffers from delay and latches. Apart from that, the appointment made by C.E.O, Janpad Panchayat, Bhairamgarh by order dated 20/10/2005 has also been declared void by the Collector, South Bastar vide order dated 30/01/2006 (Annexure R-4/2) on the ground that the said appointment was made without following any process of law or without following the provisions of Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Condition of Service) Rules, 1997, therefore, this writ petition is liable to be dismissed.

4. I have heard learned counsel for the parties, considered their rival submissions and perused the records.

5. From a careful perusal of the record, it is quite evident that this writ petition deserves to be dismissed for more than one reason. Firstly, the order impugned dated 05/12/2005 (Annexure P/1) has

been called in question by way of this writ petition which has been filed on 19/01/2012. There has been an inordinate delay in filing the instant writ petition but that has not been explained by the petitioner, as such, this writ petition suffers from delay and latches. Secondly, the order dated 05/12/2005 (Annexure P/1) has already been declared void by the subsequent order passed by the Collector, South Bastar on 30/01/2006 (Annexure R-4/2) and the said order has not been questioned herein.

6. Accordingly, the instant writ petition is dismissed on the ground of delay and latches as well as on merits. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet