

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 385 of 2021**

Surendra Sahu S/o Shri Ramavtar Sahu, Aged About 47 Years, R/o
Bazar Para Lakhanpur, District Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Commissioner, Women And Child Development Department, And Secretary, Women And Child Protection Committee, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
3. Collector, Ambikapur, District Surguja, Chhattisgarh
4. District Programme Officer, Women And Child Development Department, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Keshav Prasad Gupta, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.02.2021**

1. The limited grievance that the petitioner has in the present writ petition is the non-giving of joining/charge on the post of President, Child Welfare Committee, Surguja.
2. According to the petitioner, he was found selected as a President, Child Welfare Committee, Surguja vide order dated 02.11.2020 Annexure P-3 and since then the petitioner has been pursuing his claim for getting

the charge of the President but the authorities are declining the same. The petitioner has been informed vide Annexure P-1 that the respondents have received a telephonic complaint in respect of the petitioner being involved in some criminal case.

3. The contention of the petitioner is that he has already filed a detailed affidavit clarifying that there is no criminal case pending against him and that he was involved in a criminal case earlier in which he has been acquitted from the charges levelled against him and as such there was no suppression of fact on the part of the petitioner.
4. According to the petitioner, once when the State Govt. has already issued an order of appointment, there was no reason for the respondent no.4 to have issued Annexure P-1 declining joining to the petitioner. According to the petitioner, the State authorities, on due verification of facts and also the affidavit submitted by him had issued Annexure P-3 and therefore, the respondent no.4 could not have denied joining to the petitioner. According to the petitioner, Clause 9 of the order of appointment itself clearly envisages that in the event of any of the submissions, undertakings and statements made by the petitioner is found false, the appointment shall automatically stand cancelled. It means that the petitioner cannot be denied joining only on the ground of some alleged telephonic complaint received by the respondents.
5. State counsel, on the other hand, submits that the matter is one which needs verification of facts and perhaps the impugned order Annexure P-1 reflects the intention of the authorities for the matter getting verified whether the petitioner is involved in the criminal case or not.
6. Be that as it may, admittedly there is an order of appointment issued in

favour of the petitioner as early as on 02.11.2020. The said order till date has not been withdrawn or cancelled or amended so far as the petitioner is concerned by the respondents and therefore, the petitioner cannot be denied joining on the said post for which he has been selected. In case the authorities at a later stage find that the petitioner has suppressed material facts, they would be free to take an appropriate decision in the light of Clause 9 in the order of appointment.

7. This Court therefore at this juncture directs the respondent no.1 to immediately take steps in ensuring necessary compliance of the order Annexure P-3 dated 02.11.2020 unless the same is withdrawn, cancelled or modified so far as the petitioner is concerned at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
8. So far as the contention of Annexure P-1 is concerned, those are all facts which need verification and which could be conducted by the respondent no.4 in due course of time.
9. Given the said facts, the impugned order Annexure P-1 is held to be bad in law to the aforesaid extent.
10. The writ petition accordingly stands allowed and disposed.

**Sd/-
P. Sam Koshy
Judge**