

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 3798 of 2012**

Pramod Singh Rajput, Aged about 36 years, S/o Shri Dan Singh, Occupation Terminated Shiksha Karmi Grade III, R/o Village Kewtara, Post Bortara, Tahsil Saja, Distt. Durg, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through the Secretary, Ministry of Panchayat and Rural Development, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.
- 2.The Commissioner, Raipur Division, Raipur, Chhattisgarh.
- 3.The Collector, Distt. Kabirdham, Kawardha, Chhattisgarh.
- 4.Jila Panchayat Kabirdham, Through Chief Executive Officer, Distt. Kabirdham, Chhattisgarh.
- 5.Janpad Panchayat Sahaspur Lohara, Through Chief Executive Officer, Distt. Kabirdham, Chhattisgarh.

---Respondents

For Petitioner :- Mr. Anup Majumdar, Advocate

For Respondents 4 & 5 :- Mr. M.P.S. Bhatia, Advocate

For State :- Mr. Siddharth Dubey, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/09/2021

1. Learned counsel for the petitioner would submit that petitioner's service on the post of Shiksha Karmi Grade III has been terminated by order dated 12/02/2009 (Annexure P/3) against which he preferred a writ petition before this Court wherein the order of termination (Annexure P/3) was set aside and a fresh order of termination has been passed on 01/07/2009 (Annexure P/7) against which the petitioner preferred an appeal before the Collector but that has been dismissed by order dated 25/002/2010 (Annexure P/9). The petitioner then preferred an appeal before the Commissioner but that has also been dismissed vide order dated 14/06/2011 (Annexure P/11). He would further submit that the order passed by the Collector and the Commissioner is in teeth of Rules 18 and 12 of Chhattisgarh Shiksha Karmi (Recruitment and Conditions of Service) Rules, 2007.
2. On being asked whether the aforesaid point was raised before the two authorities, learned counsel for the petitioner clearly admits that no such point was raised before the two Courts below, as such, he may be allowed to raise the

said point by way of review before the Commissioner, Durg.

3. Since the prayer made by learned counsel for the petitioner is fair and reasonable and petitioner has not raised the aforesaid plea before the two Courts below, therefore, he is allowed to raise the said plea before the Commissioner, Durg by way of review and if such a review is filed by the petitioner within 30 days from the date of receipt of a copy of this order then the Commissioner, Durg would consider and dispose it strictly in accordance with law within three months from the date of filing of review after hearing the parties. Petitioner is also at liberty to make additional submission along with the aforesaid plea. It is made clear that this Court has not expressed any opinion on the merits of the matter.

4. With the aforesaid direction, this writ petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet