

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 3398 of 2010**

Tilak Ram Sahu S/o Yuwal Prasad Sahu, Aged about 33 years, R/o Village and Post Bareli, Thana Bilaigarh, Tahsil Kasdol, Distt. Raipur, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, through the Secretary, Department of Panchayat and Social Welfare Mantralaya at DKS Bhawan, Raipur, Chhattisgarh.
- 2.The Director, Panchayat, Chhattisgarh Raipur, Chhattisgarh.
- 3.The Collector, Raipur, Chhattisgarh.
- 4.The Assistant Commissioner, Tribal Development, Raipur, Chhattisgarh.
- 5.The District Education Officer, Raipur, Chhattisgarh.
- 6.The Chief Executive Officer, Zila Panchayat, Raipur, Chhattisgarh.
- 7.The Chief Executive Officer, Janpad Panchayat, Gariyaband, Distt. Raipur, Chhattisgarh.
- 8.The Block Development Education Officer, Gariyaband, Distt. Raipur, Chhattisgarh.
- 9.The Station House Officer, Police Station Gariyaband, Distt. Raipur, Chhattisgarh.

--- Respondents

09/08/2021

1. Petitioner herein calls in question the order of termination dated 31/05/2010 (Annexure P/1) as well as order dated 07/06/2010 (Annexure P/2) directing recovery of the salary already paid to him.
2. Mr. Awadh Tripathi, learned counsel for the petitioner, would submit that petitioner was appointed on the post of Shiksha Karmi Grade III on 14/09/2006, but his services have been terminated by order dated 31/05/2010 (Annexure P/1) without even giving a reasonable opportunity of hearing to him and thereafter, the order 07/06/2010 (Annexure P/2) for recovery of salary already paid to him has also been passed which is in complete violation of principles of natural justice, therefore, both of these impugned orders deserve to be set aside.

3. Mr. Soumya Rai, learned State counsel appearing for respondents No. 1 to 5, 8 & 9 as well as Mr. Sabyasachi Bhaduri, learned counsel appearing for respondents No. 6 & 7, would submit that the certificates of B.SC final year and B.Ed submitted by the petitioner are forged certificates, therefore, his service has rightly been terminated and the instant petition deserves to be dismissed.

4. True it is that petitioner was appointed on the post of Shiksha Karmi Grade III on 14/09/2006, but thereafter, he has been terminated by order dated 31/05/2010 (Annexure P/1) on a complaint and the enquiry made on the said complaint, but before passing the order of termination, no opportunity of hearing was given to the petitioner and the said order has been passed in complete violation of principles of natural justice.

5. It is the case of the respondents that since the certificates submitted by the petitioner were forged, therefore, no opportunity of hearing was required to be given to the petitioner before the passing the order of his termination.

6. Undoubtedly, the order of petitioner's termination has been passed in complete violation of principles of natural justice in absence of any opportunity of hearing given to the petitioner. The question whether the certificates submitted by the petitioner are forged or not is a matter of enquiry and evidence, therefore it could have been done after giving a reasonable opportunity of hearing to the petitioner and could have been ascertained by making even a brief enquiry, but that has not been done, as such, the impugned order dated 31/05/2010 (Annexure P/1) is in violation of principles of natural justice since neither show cause notice was issued nor reply was sought from the petitioner and not even a reasonable opportunity of hearing was given to him. In that view of the matter, the order dated 31/05/2010 (Annexure P/1) terminating the petitioner from service and the subsequently passed order dated 07/06/2010 (Annexure P/2) directing for recovery of the salary amount already paid to the petitioner are hereby set aside. However, respondent No. 6 is at liberty to proceed in accordance with law.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet