

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3506 of 2021**

1. Sajid Khan Kuraishi S/o Late Anwar Kuraishi Aged About 35 Years Assistant Teacher (L.B.) Government Primary School, Gadaghat Block Bagbahra Mahasamund R/o Ward No. 11, Dabrapara, Bagbahra District Mahasamund.
2. Shaheen Mumtaz W/o Sajid Khan Kuraishi Aged About 33 Years Government Middle School, Paterapali Block Bagbahra Mahasamund R/o Ward No. 11, Dabrapara, Bagbahra District Mahasamund.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of School Education , Mahanadi Bhawan, Atal Nagar (New Raipur) District Raipur Chhattisgarh.
2. Collector Mahasamund District Mahasamund Chhattisgarh.
3. District Education Officer Mahasamund District Mahasamund Chhattisgarh.
4. Sub Divisional Magistrate Bagbahara, District Mahasamund.
5. Lakhan Lal Sahu, Assistant Teacher (L.B.) Government Middle School, Paterapali, Block Bagbahra, District Mahasamund.

----Respondents

For Petitioners	:	Mr. Waquar Naiyer, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/07/2021**

1. The two petitioners are husband and wife, they are aggrieved of the notice received from the office of the respondent No.4 seeking their presence for explanation in respect of a complaint received on behalf of the private respondent Mr. Lakhan Lal Sahu.
2. The petitioners seem to be aggrieved of the fact that the matter has already at the behest of the private respondent being inquired by the District Education Officer as would be evident from Annexure

P/4 dated 23.06.2021 and therefore according to the petitioners, since the District Education Officer is already seized of the matter they should not be further forced to face another inquiry for the same charges before another authority. According to the petitioners, if the respondent No.4 is also permitted to proceed, it would amount to the petitioner facing two inquiries before two authorities for the same cause of action.

3. At this juncture, learned State counsel submits that the plain perusal of the impugned order would show that it is only a memo issued to the petitioners calling for their presence to hear their version on the complaint that has been lodged by the private respondent. It is only a fact finding proceeding that has been initiated, it cannot be termed to be a full-fledged inquiry. It is rather a decision taken on the administrative side on a complaint received by the respondent. According to the State counsel, in case if the petitioners are able to make out a satisfactory explanation before the respondent No.4, there is all possibility that the matter itself may be closed or filed there itself.
4. Given the said submission by the learned State counsel and also taking into consideration the apprehension that the petitioners have, the writ petition at this juncture stands disposed of directing the petitioners to appear before the respondent No.4 and in addition to their oral statement that they intend to make before the respondent No.4, who shall record the statement. The petitioners would also be permitted to give their explanation in writing and on the basis of the said, the respondent No.4 is expected to take an appropriate decision in accordance with law.

5. It is also necessary to highlight at this juncture that the respondent No.4 shall also take note of the fact that the respondent No.3 is already seized of this matter that shall also be borne by the respondent No.4 while deciding the complaint of the respondent No.5.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved