

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5040 of 2021

1. Jitendra Kumar Prasad S/o Ishwar Prasad Aged About 60 Years Working As Principal, Higher Secondary School, Bakaruma, District- Raigarh (C.G.)

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, School Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)
2. The Joint Secretary Government Of Chhattisgarh, School Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)
3. The Under Secretary Government Of Chhattisgarh, School Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)
4. The Director Directorate Of Public Instruction, Indravati Bhawan, Block-3, First Floor, Naya Raipur (C.G.)
5. The District Education Officer Raigarh, District- Raigarh (C.G.)

---Respondents

For Petitioner	:	Shri Ajeet Kumar Yadav, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.09.2021.

1. Aggrieved by the order dated 18.08.2021 the present writ petition has been filed. Vide the impugned order the services of the petitioner has been placed under suspension under the provisions of Rule 9(1)a of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (in short, Rules, 1966).
2. The ground of assailing the impugned order is that the reasons mentioned in the order of suspension are erroneous and contrary to the contents of the show cause notice that was issued to the petitioner earlier to the extent that the amount reflected also is different than that is mentioned in the show cause notice.

3. First of all this court is of the opinion that the order of suspension is one which is appealable under Rule 23 of the Rules, 1966. Secondly, the suspension being not an order of punishment, the petitioner has a liberty of approaching the higher authorities in the department by making a representation/objection/appeal in respect of the alleged complaint and the alleged reasons on which the petitioner has been placed under suspension. Upon such representation/objection/appeal, as would be availed by the petitioner, if he so wants, the respondents are expected to take a decision considering the contents therein.
4. It is settled position of law that the High Court would not substitute itself as another administrative body of the respondent department to appreciate the contents that the petitioner has raised at this stage in the present writ petition. The proper recourse available to the petitioner would be to approach the higher authorities under the department by either preferring an appeal to the appellate authority or making a representation to the same authority who has placed him under suspension raising all his objections.
5. Thus, the writ petition at this juncture stands disposed of reserving the right of the petitioner to avail either of the remedies available to him.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge