

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5000 of 2021

1. Smt. Padma Thakur W/o Shri Birendra Kumar Thakur Aged About 47 Years R/o Village Ghogho Puri, P.O. Tarri, Thana and Tehsil - Gurur District- Balod (C.G.) Pin 491227.
2. Taneshwar Kumar Deshmukh S/o Shri Goverdhan Lal Deshmukh Aged About 46 Years R/o Village Bhatgaon, Police Out Post - Jeora Sirsa, Thana Pulgaon, Tehsil and District- Durg (C.G.) Pin 491001.
3. Ram Kumar S/o Shri Khiraj Ram Aged About 38 Years R/o Village Parsahi, P.O. Khapri, Thana, Tehsil and District- Balod (C.G.) Pin 491226.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary Panchayat And Rural Development Department Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, Naya Raipur, District- Raipur (C.G.).
2. The Collector Bemetara, District- Bemetara (C.G.).
3. The Chief Executive Officer Janpad Panchayat, Nawagarh, District- Bemetara (C.G.).

---Respondents

For Petitioners	:	Shri Rabi Bhushan Sharma, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.09.2021.

1. The limited relief the petitioners seeks for through the present writ petition is for an appropriate direction to the respondents to consider and decide their representation so far as their claim for appointment is concerned in the light of judgment dated 28.02.2020 passed by the Chief Judicial Magistrate, Bemetara, acquitting the petitioners from the offences punishable under Sections 420, 467, 468 R/w Section 34 and Section 471 IPC.
2. The contention of the petitioners are that they were initially appointed on the post of Shiksha Karmi Grade-III, however, subsequently there was a complaint lodged that the mark sheets and the BTI certificate of the petitioners were fake and fabricated. That, accordingly a criminal case was

also registered and the petitioners were also arrested for the said act. Meanwhile, the orders of appointment issued in favour of the petitioners were all cancelled by the Collector and the petitioners stood terminated. Now vide judgment dated 28.02.2020 the petitioners stand acquitted from the criminal court.

3. Now the contention of the petitioners are that since the criminal court had already acquitted the petitioners, the respondents should reconsider granting appointment to the petitioners for the reason that apart from the criminal case there was no other departmental enquiry as such conducted to ascertain the credibility of the documents which is said to be false and fabricated. They further submit that similarly placed persons have already been granted permission to represent before the authorities vide order dated 24.08.2020 passed in WPS No.3331 of 2020 and therefore the case of the petitioners also be disposed of permitting them to represent before the authorities.
4. Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed of permitting the petitioners to represent before the district administration ventilating their grievances. That, upon such representation being made, the district administration i.e the authority who has cancelled the order of appointment of the petitioners, shall take an appropriate decision in accordance with law on its own merits at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge