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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5637 of 2021**

- Vidyakant Mahobia S/o Late Baidyanath Mohobia Aged About 50 Years Caste- Barai, R/o Ward No. 4, Baraipara, Chhuikhadhan, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Commissioner Directorate, Public Instructions, (D.P.I.), Indravati Bhawan, Nawa Raipur, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Director Directorate Public Instructions, (D.P.I.), Indravati Bhawan, Nawa Raipur, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. The Deputy Director Directorate Public Instructions, (D.P.I.), Indravati Bhawan, Nawa Raipur, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. District Education Officer Rajnandgaon, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	: Shri A.K. Prasad, Advocate
For Respondents/State	: Ms. Abhyunati Singh, P.L

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J
Order On Board

18.10.2021

1. By way of this petition filed under Article 226 of the Constitution of India, the Petitioner is questioning the legality and propriety of the order impugned dated 21.9.2021 (Annexure P1) passed by the Deputy Director, Public Instructions (DPI), Directorate Chhattisgarh, by which, the representation/application made by him on 15.9.2021 for revocation of his suspension order dated 30.6.2021, which has its effect from 08.06.2021 has been rejected.
2. According to learned counsel for the Petitioner, the Petitioner has been placed under suspension w.e.f. 08.6.2021, owing to registration of an offence

punishable under Sections 294, 506, 452 of IPC and despite passing of more than 90 days, the order under suspension has not been revoked. However, at the time of passing of the order impugned dated 21.9.2021, the same has not been taken into consideration although, it cannot be in force for more than 90 days period as per the provisions prescribed under Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966. In support, he placed his reliance upon to the judgment of the Apex Court passed in the matter of **Ajay Kumar Choudhary Vs. Union of India Through its Secretary And Anr.**, reported in **(2015) 7 SCC 291**, wherein it has been observed that the disciplinary authorities or the authorities placing the employee under suspension is duty bound to reconsider beyond a period of 90 days so far as extending the period of suspension is concerned. However, while passing the order impugned no decision as such in this regard has been taken by the respondent authorities and therefore, the order impugned deserves to be quashed.

3. On the other hand, Ms. Abhyunati Singh, Panel Lawyer appearing on behalf of the State/ Respondents while opposing the aforesaid contention submits that upon due consideration of the representation as submitted by the Petitioner on 15.9.2021, the order impugned has been passed as it has been observed therein that since the charge sheet has already been submitted against the Petitioner with regard to the offence punishable under Sections 294, 506 and 452 of IPC, therefore, it does not require to be interfered with at this stage.

4. Considering the aforesaid contention of the counsel for the parties and considering further the principles laid down by the Apex court in the matter of **Ajay Kumar Choudhary** (supra), let the concerned respondent/authorities take an appropriate decision in respect of the Petitioner's alleged prayer for revocation of his suspension order as made in his representation dated 15.9.2021 as soon as possible, preferably within a period of 45 days from the date of communication/receipt of this order.

5. It is, however, made clear that while disposing of this petition, this Court has not expressed any opinion on merits of the case and the concerned authorities would pass an appropriate order in accordance with law.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(Sanjay S. Agrawal)
JUDGE

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