

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5425 of 2020**

1. Tikeshwar Prasad Pandey S/o Shri Raj Kumar Pandey Aged About 42 Years Working As Lecturer (L.B.) And Posted At Government Higher Secondary School Amlidih, Block Magarlod, District Dhamtari Chhattisgarh.
2. Renuka Chandrakar D/o Shri Nathuram Bhardwaj Aged About 45 Years Working As Teacher (L.B.) And Posted At Government Middle School Dewada (Patan), Block Patan, District Durg Chhattisgarh.
3. Jageshwar Nishad S/o Shri Firatram Nishad Aged About 45 Years Working As Teacher (L.B.) And Posted At Government Middle School Kareli (Badi) , Block Magarlod, District Dhamtari Chhattisgarh.
4. Ku. Purnima Bai D/o Shri Govind Ram Sahu Aged About 44 Years Working As Teacher (L.B.) And Posted At Government Middle School Charra, , Block Kurud, District Dhamtari, Chhattisgarh.
5. Bhagirathi Chandravanshi S/o Dhaniram Chandravanshi Aged About 47 Years Teacher (L.B.) And Posted At Government Middle School Gobra , Block Kurud, District Dhamtari, Chhattisgarh
6. Gurucharan Sahu S/o Shri Malikram Sahu Aged About 43 Years Working As Lecturer (L.B.) And Posted At Government Higher Secondary Halda, Block Magarlod, District Dhamtari Chhattisgarh
7. Rupeshwar Kumar Sahu S/o Shri Hariram Sahu Aged About 38 Years Working As Teacher (L.B.) And Posted At Government Middle School Singhour Khurd, Block Kurud, District Dhamtari Chhattisgarh
8. Krishna Kumar Kewat S/o Shri Patwari Ram Kewat Aged About 46 Years Working As Lecturer(L.B.) And Posted At Government Higher Secondary School Ghuravand, Block Nagari, District Dhamtari Chhattisgarh

9. Prameshdeep S/o Shri Leeludas Manikpuri Aged About 43 Years Working As Teacher (L.B.) And Posted At Government Middle School Sankra, Block Magarlod, District Durg Chhattisgarh

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development , Mahanadi Rural Development, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh
2. District Education Officer Dhamtari District Dhamtari Chhattisgarh.
3. Chief Executive Officer Zila Panchayat Dhamtari, District Dhamtari Chhattisgarh.

---- **Respondents**

For Petitioners	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.
For Respondent No.3	:	Mr. Vivek Ranjan Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/01/2021

1. The challenge in the present writ petition is to Annexure P/1 dated 26.11.2020 whereby the respondent No.3 had issued a show cause notice to the petitioners in respect of the appointments that were granted to the petitioners.
2. The challenge to the show cause notice was on the competence of the authority who has issued. The contention of the petitioners is that the petitioners were though initially appointed under the Panchayat Department and were working under the respondent

No.3, but subsequent to the absorption of the petitioners in the Education Department, the respondent No.3 is no longer the employer of the petitioners and therefore the show cause notice testing the appointment of the petitioners could not have been issued by the respondent No.3, it ought to have been by the present employer, under whom the petitioners are working.

3. The State was granted time to seek instructions. The respondent No.3 in due course has submitted their reply and in the reply the respondent No.3 submits that the proceedings of show cause was initiated at the behest of an order issued by the Collector to the respondent No.3. Moreover, the Collector has directed the respondent No.3 at the behest of a direction given by the Lok Ayog state of Chhattisgarh where certain complaints were received in respect of the alleged illegal appointments given to the petitioners.
4. Learned counsel appearing for the respondent No.3 submits that it is only a show cause notice, which has been issued by the respondent No.3 at this stage. Subject to the petitioner submitting his response to the show cause notice, the same would thereafter be placed before the Collector for an appropriate decision to be taken by the competent authority. Learned counsel for the respondent No.3 further submits that since it is only a show cause notice the petitioners need not have any apprehension as of now. The decision finally would only be taken by the competent authority and the same would also be subject to due scrutiny of the submissions/explanations, which the petitioners shall be submitting to the show cause notice.

5. Given the said submissions by the learned counsel for the respondent No.3, this Court is of the opinion that no fruitful purpose would be served in continuing with the writ petition any further. The writ petition therefore at this stage can be disposed of directing the petitioners to submit his/her response to the show cause notice, if not till now filed, within a period of 15 days to the respondent No.3. The Respondent no.3, in turn shall scrutinize the reply to the said show cause notice and thereafter submit suitable report to the Collector who further may inform the outcome to the present employer. That thereafter it is expected that it is only the competent authority who shall take a decision in respect of the issue involved in the show cause notice.
6. It is expected that the respondents would duly consider and appreciate the reply that the petitioners would be submitting to the show cause notice including the very requirement of the qualification of B.Ed. for the appointment so made.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved