

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 217 of 2021**

Sunita Mahilange (Lahre) W/o Shri Kamal Kishore Lahre, Aged About 35 Years, Assistant Teacher (L.B.) Government Primary School Bhathapara, Distt. Korba, Civil And Revenue Distt. Korba, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. District Education Officer, Korba, District Korba, Chhattisgarh
3. Block Education Officer, Korba, District Korba, Chhattisgarh
4. Collector, Korba, Distt. Korba, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Ajay Mishra, Advocate
For State	:	Mr. Amit Buxy, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

08.02.2021

1. The grievance of the petitioner in the present writ petition is in respect of the non-releasing of salary of the petitioner for the period between June, 2019 to November, 2019.
2. Perusal of the record would show that the petitioner was issued with a show cause notice on 11.06.2019 in respect of allegedly obtaining employment on the basis of false and fake certificate. The petitioner subsequently stood terminated w.e.f. 01.12.2020. Before termination

the services of the petitioner were placed under suspension vide order dated 23.11.2019. The claim of the petitioner now is that for the period between June,19 to November, 2019 the petitioner cannot be deprived of her salary as she had infact discharged her duties during the said period.

3. However, perusal of the contents of the reply to the show cause notice that the petitioner has submitted it clearly reflects that the petitioner herself in one of the paragraphs has admitted the fact that she had in fact not physically discharged her duty during the said period and had tried to avail medical leave during the said period by moving appropriate application for grant of medical leave which does not seem to have been approved or sanctioned.
4. Be that as it may, the admitted factual position as on date which stands is that the petitioner had not physically discharged her duty during the said period. As regards how that period has to be treated and how that period has to be considered, all would depend upon the outcome of the termination order if challenged before the court of law and if the same is set aside by the Authority concerned or by any competent court of law. Unless the order of termination is set aside, this Court is of the opinion that the claim of the petitioner so far as the salary for the intervening period between July, 2019 to November,2019 also cannot be considered.
5. Thus, reserving the liberty of the petitioner to raise her claim at an appropriate stage, the writ petition at this juncture stands disposed of.

**Sd/-
P. Sam Koshy
Judge**