CGHC010251502025 2026:CGHC:47360

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6047 of 2025

Anitap Pandey S/o Shri L.N. Pandey Aged About 50 Years R/o Tikrapara, Ward No. 3, Dongargarh, District- Rajnandgaon (C.G.)

... Petitioner(s)

versus

JYOTI SHARMA Digitally signed by JYOTI SHARMA Date: 2026.11.18 11:19:33 +0530

1. State Of Chhattisgarh Through Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)

2. District Education Officer Rajnandgaon, District- Rajnandgaon, (C.G.)

3. Chief Executive Officer District Panchayat, Rajnandgaon, District- Rajnandgaon (C.G.)

4. Block Development Officer Dongargarh, District- Rajnandgaon, (C.G.)

5. Collector Rajnandgaon, District- Rajnandgaon, (C.G.)

... Respondent(s)

For Petitioner	: Mr. Pawan Kesharwani, Advocate
For Respondent/ State	: Ms. Vartika Shrivastava, P.L.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

17/11/2026

1. Learned counsel for the petitioner submits that the petitioner was initially appointed as Shiksha Karmi Grade-III in the year 2007 and his services were regularized in the year 2011. Thereafter, he was promoted to the post of Head Teacher in the year 2022. It is contended that pursuant to a complaint alleging submission of a

forged marksheet, the respondents, without conducting a proper departmental enquiry and without affording any opportunity of hearing to the petitioner, have arbitrarily terminated his services vide impugned order dated 02.01.2025. It is further submitted that the petitioner had already submitted his resignation in December 2024, which was still under consideration. Learned counsel, therefore, submits that the impugned order is contrary to the principles of natural justice and deserves to be set aside. It is further submitted that the impugned termination order has been passed solely on the allegation that the petitioner secured appointment by producing a forged marksheet, without conducting any regular departmental inquiry or issuance of charge-sheet as per CCA rules. He further submits that the petitioner was not afforded a reasonable opportunity to defend himself, thereby violating the principles of natural justice and the mandatory procedure contemplated under Article 311 of the Constitution. Hence, the impugned show cause notices and termination order are arbitrary, illegal, and liable to be quashed with a direction for reinstatement with all consequential benefits.

2. Learned State counsel opposes the submission made and submits that prior to termination a show cause notice (Annexure P-5) has been issued and thus the principles of natural justice have been duly complied with before passing the impugned order of termination. Hence, according to the learned State counsel, the impugned action does not warrant any interference by this Court in exercise of its writ jurisdiction.

3. I have heard learned counsel for the parties and perused the records.

4. From perusal of the documents it is not in dispute that the petitioner had initially entered service as Shikshakarmi Grade-III on 15.10.2007, his services were subsequently regularized, and he continued in service for several years before being promoted to the post of Headmaster (Primary School). The impugned order of termination has been passed on the allegation that the petitioner secured his appointment by producing a forged marksheet. However, the record reveals that no regular departmental inquiry, as contemplated under the applicable CCA Rules, was initiated against the petitioner. Admittedly, neither any charge-sheet was served nor was any inquiry officer appointed to enquire into the allegations.

5. Merely issuing a show cause notice and obtaining a reply from the petitioner cannot be treated as a substitute for a regular departmental inquiry where the termination is founded upon a disputed allegation of misconduct involving serious civil consequences. The allegation of securing appointment on the basis of a forged document is a serious charge, which required the respondents to establish the same through a legally conducted departmental inquiry by affording the petitioner adequate opportunity to inspect documents. The respondents have neither invoked nor justified dispensing with such inquiry under the applicable statutory rules or under the exceptions

carved out in the second proviso to Article 311(2) of the Constitution of India.

6. The action of the respondents, therefore, is in clear violation of the principles of natural justice and the mandatory safeguards governing the imposition of a major penalty. An order of termination founded upon allegations of misconduct, passed without holding a regular departmental inquiry, cannot be sustained in law. Consequently, the impugned show cause notices and the order of termination deserve to be quashed.

7. Accordingly, the writ petition is **allowed**. The impugned show cause notices and the termination order are hereby quashed and set aside. The respondents are directed to reinstate the petitioner in service with all consequential benefits. However, it is made clear that this order shall not preclude the respondents from initiating and concluding a fresh departmental inquiry against the petitioner, if so advised, strictly in accordance with law and the applicable CCA Rules, after affording the petitioner full opportunity of hearing.

Sd/-

(Bibhu Datta Guru)

JUDGE

Jyoti