

Jan Bhagidari Evam Vikas Samiti, Aadim Jati Kalyan Vibhag Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Sept. 14, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Roop Naik, Shashi Kumar Kushwaha, R.K. Gupta, B.L. Sahu

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The present writ petition has been filed seeking for the following relief(s):

7.2 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus, thereby directing the respondent authorities concerned to

remove the Respondent No.5 to 7 from their respective posts.

7.3 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus, thereby directing the respondent authorities concerned to

register the offence. 7.4 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus, thereby directing the respondent

authorities concerned to recover the amount of Rs. 68,253/- from the Respondent No.7.

2. The petitioner herein is a society which is in fact a committee managing the affairs of the school at Village Binjhakot, Block Kartala, District Korba.

3. Grievance of the petitioner is that, respondent no.7 was in a habit of misbehaving while taking classes, inasmuch as he was in a habit of consuming

liquor and ganja etc., which was not in the interest of the students taking education. The petitioner-society had made complaints to the higher

authorities in the department who had initially placed the petitioner under suspension and his services were attached to a different place and in the

enquiry the respondent no.7 was found guilty of the charges. But, before punishment order could be passed, the allegation is that respondent no.7 in

assistance with respondents no. 5 & 6 had got the enquiry report changed and the suspension order also got revoked and he again resumed duties at

the same school. Thereafter, again a complaint was made which was further enquired and the respondent no.7 is said to have admitted his guilt, but

still no action was taken against him. All that the petitioner is aggrieved of is the non-action on the part of the respondents in taking a decision against

respondent no.7.

4. The present writ petition was filed way back in the year 2007. It is now almost 11 years having lapsed since the filing of the writ petition. Much

water must have flown in between.

5. Given the nature of relief sought for and the grievances of the petitioner, this Court is of the opinion that ends of justice would meet if a suitable

direction is given to respondent no.2 to get the matter investigated and enquired, if not personally, by an officer not less than the rank of an Additional

Collector who shall call for the entire record so far as the grievance of the petitioner is concerned and thereafter let appropriate corrective measure be

passed ensuring that the school is run in a proper manner and teachers come to the school with all purity. It is expected that the authorities would take

a decision at the earliest.

6. The writ petition accordingly stands disposed of.

7. Subject to the petitioner furnishing the photocopies of any original record which is part of the writ petition, the original of the same may be returned

to the petitioner.