

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No.1503 of 2020

Amit Chouhan **Versus** State of Chhattisgarh and others

04.03.2020	Mr. Ram Narayan Sahu, counsel for the petitioner. State Mrs. Richa Shukla, Panel lawyer, for the State. Heard on admission and I.A.No.01 for grant of interim relief. It is stated that the petitioner was appointed to the post of Shiksha Karmi Grade-III in the School of respondents No.8 to 10 which is 100% grant in aided institution. On 13.08.2018 the petitioner was blessed with a child with physical deformity, as such under the stress, he tendered his resignation on 24.09.2018 wherein he mentioned that due to family problem, he is voluntarily submitting his resignation and after few days on 09.10.2018, he submitted another application and requested therein to permit him to withdraw his resignation and to continue with respondent no.8. However, the respondents Society concealing the application for withdrawal of the resignation has acted on the earlier resignation dated 24.09.2018. It is further submitted that subsequently the said issue was raised before the Government and the Government Block Education Officer by communication dated 22.10.2019 directed to petitioner to take charge of the work. It is further stated that the petitioner had also worked during the election as the duty was assigned. He would further submit that the State has asked the respondent Society to allow the petitioner to join the post and assign the job. Perused the documents. The appointment letter prima facie shows that the petitioner's school wherein the petitioner is working receives the	

R a o	grant in aid. The provisions of section 9 of <i>C.G. Ashashkiya School Viniyaman Adhiniyam 1975 (hereinafter referred to “Adhiniyam 1975)</i> and section 6 of <i>the Chhattisgarh Ashashkiya Shikshan Sanstha (Anudan Ka Pradaya) Adhiniyam, 1978 (hereinafter referred to “Adhiniyam 1978”)</i> purport that the termination of teacher cannot be effected by the institutions/schools when they receive grant-in-aid. Further more, the document Annexure P-3 would show that on 09.10.2018 the petitioner has recalled his resignation letter which has been endorsed by the Society of respondent no.8 on 09.10.2018 itself. Taking into consideration such facts and provisions of Adhiniyam 1975 and Adhiniyam 1978, notice be issued to respondents 6 to 10 on payment of P.F., as per rules. As an interim measure it is directed that the effect and operation of impugned communication/order dated 04.12.2018 whereby the resignation has been accepted by the respondents Society shall remain stayed and the petitioner shall be allowed to continue the work till the next date of hearing. Cc as per rules. Sd/- GOUTAM BHADURI JUDGE	
--------------	---	--