



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1470 of 2025

1 - Hira Prasad Yadav S/o Late Dubraj Prasad Yadav Aged About 48 Years R/o Babupara, Ambikapur, District Surguja (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

2 - Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Sector 19, Nawa Raipur, Atal Nagar, Raipur (C.G.)

3 - Commissioner, Higher Education, Directorate Indrawati Bhawan, Nawar Raipur Atal Nagar, Raipur (C.G.)

4 - Principal, Government Rajmohini Devi Girls P.G. College, Ambikapur, District Surguja (C.G.)

... Respondent(s)

Order on Board

27/02/2025	Mr. Manoj Paranjpe, Advocate assisted by Ms. Anushka Sharma, Advocate for the petitioner. Mr. Prafulla N. Bharat, A. G. assisted by Mr. Sabyasachi Choubey, P. L. for the State / respondents No. 1 and 3.
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	Mr. Anand Mohan Tiwari, Advocate for respondent No. 2. Mr. Sudeep Agrawal, Advocate for respondent No. 4. This writ petition is filed against the order dated 17.02.2025 by, which petitioner Assistant Professor (Commerce) posted at Government Rajmohini Devi Girls P.G. College, Ambikapur was terminated on an allegation that he has suppressed material information regarding his criminal antecedents in the format filed for the purpose of recruitment of Assistant Professor. Issue notice to respondents. Mr. Prafulla N. Bharat, A. G., Mr. Sabyasachi Choubey, Mr. Sudeep Agrawal, and Mr. Anand Mohan Tiwari appeared on advance copy, hence, process fee need not to be paid. Learned counsel for respective respondents are directed to file reply on or before 28th of March, 2025. Thereafter, two weeks more time is granted to learned counsel for petitioner to file rejoinder to the reply. Also heard on I.A. No. 01 of 2025, which is an application for grant of ad-interim relief. Learned counsel for petitioner submits that petitioner was appointed as Assistant Professor way back on 05.10.2018 and has joined his services on 10.10.2018, thereafter, he was in regular service till date. He was appointed following due process of law and after due scrutiny of the documents. Allegation against him regarding non-disclosure of criminal antecedent / criminal
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case are bonafide in nature as petitioner was acquitted from charges way back in the year 1997 and due to inadvertent mistake, he could not disclose the same. In support of his contention, he placed reliance upon recent judgment of Hon'ble Supreme Court in case of **Ravindar Kumar vs. State of Uttar Pradesh and Others** reported in **(2024) 5 SCC 264**, in case of **Public Services Tribunal Bar Association vs. State of U.P. and another** reported in **(2003) 4 SCC 10** and in case of **Deoraj vs. State of Maharashtra and Others** reported in **(2004) 4 SCC 697**. It is further contention of learned counsel for petitioner that since petitioner has been terminated after six years of service and further since in the criminal case, he has already been acquitted, as such, interim protection is required to be granted to him staying effect and operation of the impugned order as it is a rare case in which termination order can be stayed while imposing conditions upon petitioner as order of termination has been passed without holding any enquiry.

On the other hand, Mr. Prafulla N. Bharat, learned A.G. and other respective respondents vehemently opposes the submission made by learned counsel for petitioner and would submit that interim relief which petitioner is seeking would tantamount to final relief which cannot be granted to petitioner. Case of petitioner is not an extraordinary or rare case in which on the face of it is malafide and bad in law. Petitioner has

<i>Shayna</i>	suppressed the fact regarding his criminal antecedents. He is involved in two criminal cases and being applied for the post of Assistant Professor, he is required to disclose the criminal antecedent which he has not done, as such, prima facie case, grant of interim relief which is in the nature of final relief could not be granted to petitioner. Petitioner has failed to demonstrate any extreme and rare case for grant of interim relief. I have heard learned counsel for the respective parties and also perused the record annexed along with the writ petition. Considering fact that petitioner was involved in two criminal cases though he was acquitted in those cases and further considering the formate, in which, in categorical terms he was required to write about his criminal antecedent which he has not written and has stated that it is not applicable as such, in the opinion of this Court, this is not an extreme and rare case for grant of interim protection to petitioner. Staying order of termination would be final relief to the petitioner as such, at this stage, I do not find present to be a fit case for grant of interim protection. Accordingly, I.A. No. 01 of 2025 is dismissed. List this case for final hearing at motion stage on 21st of April, 2025. Sd/- (Amitendra Kishore Prasad) JUDGE
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