

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cont. No. 653 of 2019

Dr. Seema Jaiswal **Versus** Mrs. Soma Bhattacharya and others

16.02.2024	<p>Mr. Neeraj Choubey, counsel for the petitioner.</p> <p>Mrs. Surya Kawalkar Dangi, counsel for respondents 1, 2 and 4.</p> <p>Learned counsel for the petitioner would submit that when the termination order was challenged in WPS No.5137/2017 the matter was taken up hearing on 03.08.2018 whereon the statement was made at the bar that the termination order has been withdrawn. Consequently while disposing of the petition, by order dated 03.08.2018 the Court observed at para 8 as under :</p> <p style="text-align: center;"><i>“Looking to the above mentioned facts and circumstances of the case, the respondents are directed that if the petitioner has not joined then allow her to join the service and give her consequential benefits as per law. The petitioner has liberty to submit representation in writing before the competent authority regarding the grant of pay scale as allegedly prescribed by the respondent University from the initial date of her appointment. This Court is not inclined to impose any cost upon respondents no.4 & 5.”</i></p> <p>Thereafter, this contempt petition has been filed on the ground that on one hand the petitioner was restrained to enter into the college whereas respondents are showing her to be absent in the attendance register. On earlier occasion, the respondent was directed to clarify as to whether any proceedings was carried out in the wake of her absence.</p> <p>Today additional Reply has been filed on behalf of the non-applicants 1, 2 & 4, copy of which has been supplied to the petitioner.</p> <p>Learned counsel for the petitioner prays for time to reply it.</p> <p>Learned counsel for the respondents submits that the petitioner has voluntarily stopped coming after August 2019 which is evident from the attendance register and thus from September, 2019, she was totally absent. Thereafter, she was served with a show cause notice.</p> <p>On the other hand, learned counsel for the petitioner states that she was stopped by the guards at the entrance gate of the college, as</p>

such, she could not enter and certain communications have been placed on record that she tried to enter into college premises but was not allowed.

The submission of the respondents can only be appreciated after the charges are framed which is a matter of evidence to be adjudicated as to with whose deliberations, the petitioner failed to enter whether she absented herself or she was restrained to enter into the college premises by the guards at the entrance gate and on the other hand, the averments are made that the petitioner herself has stopped to attend the college. Therefore, I am of the prima facie view that the charges are required to be framed.

Respondents 1 and 3 are directed to appear in person before this Court on 14.03.2024 to argue before framing the charges against them

List it on **14th March, 2024.**

At this stage, learned counsel for the respondents submits that the allegation made by the petitioner that she has been stopped is not part of the pleading.

In the back ground of the case when the writ petitioner was allowed to be disposed on the ground that termination order was withdrawn, it obviously means that the person who filed the petition has been reinstated in service and if the petitioner is subsequently restrained to enter into the college premises, it sounds in contempt on the face of it.

Sd/-

**(Goutam Bhaduri)
Judge**

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