

(9) c.s. 1007

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

Writ Petition No. 2159/04

PETITIONER

: Smt. Ratna Bose (Dey)
Wife of Shri Pradeep Kumar Dey,
Assistant Teacher (terminated),
Vivekanand Shishu Mandir,
Mana Camp, Raipur (Chhattisgarh)

Versus

RESPONDENTS

: (1) Mana Shikshan Samiti,
Vivekanand Shishu Mandir,
Through - Shri Devendra Pratap Singh
(President), Mana Shikshan Samiti,
Mana Camp, Town Tehsil and District
Raipur (Chhattisgarh).

(2) Indrajeet Das,
Ex-President, Vivekanand Shishu
Mandir, Mana Shikshan Samiti,
Mana Camp, Town Tehsil and District,
Raipur (Chhattisgarh).

(3) Pradeep Pandey,
Deputy President,
Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.)

(4) Dhanaajay Thakur,
Secretary, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.)

P.R. No. 2030/04
Presented by Shri Sharad Pandey
dated 14-1-04



Shishu

(5)

:: 02 ::

(5) Shravan Kumar Sinha,
Tresurer, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

(6) Gangadhar Bande,
Member, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

(7) Kamta Prasad Ratre,
Member, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

(8) Bachchoo Das,
Member, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

(9) Smt. Kavita Soni,
Member, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

(10) K.L.Parihar,
Member, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

(11) Smt. Smriti Kana Biswas,
Member, Vivekanand Shishu Mandir,
Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

Atishu

(6)

:: 03 ::

(12) Smt. Archana Pandey,

~~XXXXXX~~ Head Mistress, Vivekanand Shishu
Mandir, Mana Shikshan Samiti, Mana Camp,
Town, Tehsil & District Raipur (C.G.).

(13) Lakshi Kant Gupta,

Teacher, Vivekanand Shishu Mandir,
Mana Camp, Town Tehsil & District
Raipur (Chhattisgarh).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA:

आदेश पत्रक

मामला क्रमांक

WP 2159/04

सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>27-8-2004</p> <p>Shri Sachin Singh Rajput, Counsel for the petitioner.</p> <p>Shri V.V.S. Murthy, learned Deputy Advocate General for the State.</p> <p>Application for urgent hearing is allowed.</p> <p>Heard.</p> <p>By this petition filed under Articles 226/227 of the Constitution of India, the petitioner has challenged the order dated 29-4-2004 passed in Misc. Civil Appeal No.61/2003 by the Fourth Additional District Judge, Raipur, whereby the appeal filed by the petitioner has been dismissed.</p> <p>Facts in brief of the case are that the petitioner was working as an Assistant Teacher in the School of respondent No.1. It is stated that on the occasion of her marriage she had taken leave from 26-11-2001 to 19-12-2001. It is further stated that thereafter she could not be able to join her duties in the School but on 20-1-2002 she made an application before respondent No.2 to extend her leave as she was advised for bed rest and also requested that whenever she would join her duties she would submit the medical certificate. The said application was rejected by respondent No.2. It is also submitted that vide order dated 7-6-2002 respondent no.2 terminated the services of the petitioner without giving her proper opportunity of hearing. It is submitted that the petitioner filed an appeal before respondent No.2 on 17-6-2002, which was also rejected.</p> <p>It is contended that thereafter the petitioner filed a suit alongwith an application under Order 39 Rule 1 and 2 read with Section 151 of the Code</p>	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक

WP 2159/04

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p style="text-align: center;">- 2 -</p> <p>of Civil Procedure for temporary injunction. It is further contended that the trial Court rejected the said application for temporary injunction. It is also contended that aggrieved by the order of the trial Court, the petitioner filed an appeal before the Fourth Additional District Judge, Raipur, under Order 43 Rule 1 of the Code of Civil Procedure, which has also been dismissed vide the impugned order.</p> <p>Learned counsel for the petitioner submitted that initially the order is bad in law.</p> <p>On the other hand, learned counsel for the State supported the orders of the courts below.</p> <p>Having considered the facts and circumstances of the case and material available on record, both the Courts below have held that prima facie no case for grant of interim injunction has been made out. This Court also considered the matter and is of the view that no case is made out for invoking the extraordinary jurisdiction under Article 227 of the Constitution of India.</p> <p>At this stage, learned counsel for the petitioner prayed that ends of justice would be met if a direction is given to the trial Court to decide the matter at the earliest.</p> <p>Prayer appears to be reasonable. Let the suit be decided by the trial Court as early as possible preferably within four months from the date of receipt/production of this order subject to co-operation of the parties.</p>	<p style="text-align: right;">[पीछे देखिये]</p>

आदेश पत्रक

मामला क्रमांक

WP 2159/04

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Gowri	<p>-3-</p> <p>Non-cooperation by any of the parties may be brought to the notice of this Court.</p> <p>With the abovesaid observation the petition stands disposed of.</p> <p>Consequently M.W.P.No.1932/2004 also stands disposed of.</p> <p>Certified copy as per rules.</p> <p>Copy to the trial court.</p>	<p>Sd/- Fakhruddin Judge</p>