



2026:CGHC:3800

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 749 of 2026**

1 - Baneshwar Ram S/o Sukhsahay Ram Aged About 47 Years Working As Assistant Teacher (L.B.) At Primary School Pahadkhduwa Block Rajpur District- Balrampur- Ramanujganj (C.G.)

--- **Petitioner(s)****versus**

1 - State Of Chhattisgarh Through The Secretary, Department, Of School Education , Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District- Raipur (C.G.)

2 - The Deputy Director Public Instruction Directorate And Chairman Directorate Level Committee First Floor, C- Block Indrawati Bhawan, Naya Raipur, District- Raipur (C.G.)

3 - The Collector, District- Balrampur- Ramanujganj (C.G.)

4 - The District Education Officer District- Balrampur- Ramanujganj (C.G.)

5 - The Block Education Officer Block Rajpur, District- Balrampur- Ramanujganj (C.G.)

6 - The Secretary, Rationalization Committee Cum District Education Officer, District- District- Balrampur- Ramanujganj (C.G.)

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner	: Mr. A.K. Yadav, Advocate
For Respondents/State	: Ms. Diksha Gouraha, Dy.G.A.

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****22/01/2026**

1. The petitioner has filled this petition seeking the following reliefs:-



“10.1 That this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the present case.

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ/writ, order/orders, direction/directions quashing impugned order dated 17.12.2025 (ANNEXURE P/1), issued by the respondent No.2 and further be pleased to allow the representation dated 09.12.2025 filed before Respondent No. 2.

10.3 That, this Hon'ble Court may kindly be pleased to issue a writ/writ, order/orders, direction/ directions quashing the impugned order dated 04.06.2025 (ANNEXURE P/2), issued by the respondent authority.

10.4 That this Hon'ble Court may please to direct the respondents to pay the salary of the petitioner from 01-11-2025 to till date with interest.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

2. Learned counsel for petitioner submits that petitioner is Assistant Teacher and while posted at Government Primary School, Pahadkhduwa, Block Rajpur Rajpur, District – Balrampur - Ramanujganj is transferred to Government Primary School Pachawal, Block- Ramchandrapur, District – Balrampur under rationalization scheme showing petitioner to be in surplus in earlier school. He contended that according to rationalization policy, posting is to be made of surplus teachers based on counselling in which name of school is to be shown to the teachers and their option is to be asked for their posting. Initially respondents authorities have issued letter fixing the date of counselling on 04.06.2025, however on 02.06.2025, a letter was published that counselling dated 04.06.2025 is cancelled



and again letter was issued on 03.06.2025 mentioning that counselling will be done on earlier date fixed i.e. on 04.06.2025 as per schedule fixed due to which, petitioner could not able to submit his objection in appropriate manner. Wife of petitioner is also a government servant and according to the policy of the State they are to be posted at one place.

3. Learned State counsel submits that according to the submission of learned counsel for petitioner with regard to publication of notice dated 02.06.2025 of cancelling the proceedings of counselling already fixed on 04.06.2025 and again issued letter stating counselling will be done on 04.06.2025. It was intimated to all the teachers. There is no arbitrariness on the part of the respondents. Petitioner got the knowledge about counselling fixed on 04.06.2025 prior to the date i.e. 03.06.2025. It is not the case that petitioner has not participated in the counselling process, therefore, no prejudice is caused to him. He submits that policy formulated by State Government for keeping the spouse who are government servant at one place cannot be claimed as a matter of right. Petitioner if is aggrieved can submit an application for posting of his wife also at the place of petitioner and it can be considered in accordance with law if the vacant posts are lying vacant. Petitioner has not submitted any application so far as it is not available in record.
4. I have heard learned counsel for parties and perused the documents placed on record.
5. Taking into consideration, facts and circumstances of the case, particularly the fact that petitioner get knowledge of counselling prior to



the date fixed 04.06.2025, he participated in the counselling proceedings, as such no prejudice is caused to petitioner. Petitioner could not able to make out a case that his transfer is in violation of statutory rules, or of malafide. The policy framed for transfer is not to be read as statute.

6. For the foregoing discussions I do not find any good ground to interfere with the impugned order of posting. Writ petition being sans merit is liable to be and is hereby dismissed accordingly. However this order will not come in the way of petitioner to submit representation before appropriate authority for posting of husband and wife at one place.

Sd/-
(Parth Prateem Sahu)
Judge

Balram