



2026:CGHC:14782



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 348 of 2022

Desiya Ram S/o Late Shobha Ram Aged About 56 Years Presently Working On The Post Headmaster At Middle School Shyamnagar , Block Pratappur District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

... **Petitioner**

versus

- 1 - State Of Chhattisgarh Through The Secretary, Department Of School Education Mahasamund Bhawan, New Raipur District Raipur Chhattisgarh.
- 2 - Collector Surajpur District Surajpur Chhattisgarh.
- 3 - Assistant Commissioner Tribal Development Surajpur District Surajpur Chhattisgarh.
- 4 - The District Education Officer Surajpur , District Surajpur Chhattisgarh.
- 5 - Block Education Officer Premnagar District Balrampur Ramanujan Chhattisgarh.
- 6 - Headmaster Middle School Hariharpur Block Premnagar District Surajpur Chhattisgarh.

... **Respondents**

For Petitioner	: Mr. A. N. Pandey, Advocate
For Res./State	: Ms. Deepashwari Mahilwar, Panel Lawyer

({Hon'ble Shri Justice Sachin Singh Rajput})

Order on Board

30/03/2026

1. Instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking following reliefs :-



“That, this Hon’ble Court may kindly be pleased to direct the respondent authorities to release the salary of petitioner from the period of 16.08.2012 to 21.11.2013 with interest within stipulated period.

10.2 Any other relief or reliefs may also be granted to the petitioner which this Hon’ble Court deems fit and proper in the facts and circumstances of the case.”

2. Facts of the case are that the petitioner was serving as a Headmaster at the Government Middle School in Hariharpur, Block Premnagar, District Surajpur (C.G.). By an order dated July 30, 2012, the petitioner was transferred from his post in Hariharpur to the office of the Block Education Officer in Pratappur. Aggrieved by this transfer, the petitioner filed a writ petition, W.P.(S) No. 3745/2012, in which this Court, on August 29, 2012, directed him to submit a representation to the concerned authority. Following this direction, the petitioner submitted his representation to Respondent No. 1, which was subsequently rejected on 24th of November, 2012. The petitioner then challenged this rejection order by way of a petition bearing W.P.(S) No. 3212/2013, but the said petition was dismissed on 8th of October, 2013. A subsequent writ appeal, W.A. No. 562/2013, filed before the Division Bench was also dismissed on 12th of November, 2013. Consequently, the petitioner was relieved from his post on 21st of November, 2013 (as per Annexure R/1) and joined his new duties at the Middle School in Shyamnagar, Block Pratappur, on 22nd of November, 2013. Although the petitioner asserts that he regularly performed his duties at the Hariharpur school until 21st of November, 2013, he was not paid his



salary for the period from 16th of August, 2012, to 21st of November, 2013; therefore, he has filed the present petition seeking for redressal of his grievances.

3. Learned counsel for the petitioner submits that the petitioner was working as Headmaster in the Middle School, Hariharpur, Block- Premnagar, District -Surajpur vide an order dated 30.07.2012 (Annexure P/1), he was posted at Pratppur at the option of Block Education Officer Pratappur. The petitioner aggrieved by the same filed a writ petition before this Court as WPS No. 3745 of 2012. that writ petition was disposed of vide order dated 29.08.2012 and the following order has been passed:-

“3. Though, the aforesaid Committee provides for considering the transfer orders passed by the State Government, wherein there is alleged violation of transfer policy of the State, however, the Committee may also look into violation of any other circulars/notifications/guidelines/executive instructions issued by the State Government, with regard to transfer and posting of the employees. It is ordered accordingly.

4. If the petitioner has not relieved and is still continuing at the present place of posting, he may be allowed to continue, if an application is filed withing a period of one week from today, till disposal of the application/representation, preferably within a period of 15 days.”

4. The Transfer Committee rejected the representation of the petitioner on 24.11.2012, challenging the same the petitioner again preferred a writ petition before this Court as WPS No. 3212 of 2013, that writ petition



has also been dismissed by this Court vide its order dated 08.10.2013, thereafter aggrieved by the said order, the writ appeal No. 560 of 2013 was filed. That writ appeal was also dismissed by Division Bench of this Court vide its order dated 12.11.2013. He further submits that after dismissal of the writ appeal, the petitioner joined his duties at his earlier transferred place of posting. He further submits that though subsequent writ petitions and writ appeal were dismissed during that period, the petitioner was performing his duties as headmasters at Middle School Hariharpur, Block Premnagar, District- Surajpur and was making his attendance which was reflected from the attendance register. The petitioner was not paid salary from 16.08.2012 to 21.11.2013 for which seeking the relief this writ petition is filed. He further submits that though there is no interim order has been passed in favour of the petitioner but as the petitioner performed his duties thus, he is entitled for grant of salary of that period.

5. Per contra, learned counsel for the respondent submits that in compliance of the earlier transfer order dated 30.07.2012, the petitioner was relieved on 16.08.2012 by the Block Education Officer, Premnagar vide Annexure R/1. The petitioner was the headmaster thus he should have complied the order of concerned BEO and joined his services because there was no interim order in favour of the petitioner. Despite of that he failed to join his duties till 22.11.2012 and continued to occupy the post of headmaster and made his attendance. Thus, the relief as prayed cannot be granted.
6. Heard the learned counsel for the parties and perused the material available on record.



7. The petitioner was initially transferred on 30.07.2012 (Annexure P/1). The order dated 29.08.2012 passed in WPS No. 3745 of 2012 indicates that if the petitioner was not relieved, should have allowed to continue. Perusal of Annexure R/1, clearly goes to show that prior passing of the order dated 29.08.2012, on 16.08.2012 the petitioner was already relieved by the Block Education Officer, Premnagar, District- Surajpur. However, the petitioner failed to comply this order and continued to remain posted without any authorization/authority. It is also to be noted that the representation of the petitioner was also rejected and challenge to that, writ petitions and writ appeal was also failed. In all fairness, the petitioner should have complied the relieving order and joined the transferred place of posting but he failed to adhere so. Simply because he remain occupying the post without any authority, this Court is of the opinion that he is not entitled for any relief as claimed in this writ petition. Thus writ petition fails and is hereby dismissed.
8. All pending applications are discharged.

Sd/-

(Sachin Singh Rajput)

JUDGE

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