



2026:CGHC:3468

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 617 of 2026

- Surendra Sahu S/o L.R. Sahu Aged About 37 Years Occupation- Service, Presently Posted And Working As Grade C Hostel Superintendent At Pre-Matric Three Unit Schedule Tribe Boys Hostel, Jarhabhata, District- Bilaspur (C.G.) R/o Hostel Premises, Jarhabhata, Bilaspur, District- Bilaspur (C.G.)

... Petitioner

versus

1. State Of Chhattisgarh Through Secretary, Department Of Schedule Tribe And Schedule Caste Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur (C.G.)
2. Commissioner Schedule Tribe And Schedule Caste Development, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur (C.G.)
3. Assistant Commissioner Tribal Development, Old Composite Building, Bilaspur (C.G.)

... Respondents

For Petitioner	: Mr. Malay Shrivastava, Advocate
For Respondent-State.	: Mr. Yashwant Singh Thakur, Addl. A.G.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

20/01/2026

1. Petitioner has filed this writ petition seeking following reliefs.

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records of the respondents.

10.2 That, this Hon'ble Court may kindly be pleased to quash the order dated 13/01/2026 bearing no.Sa. Estt-05/181/2026/11769 (ANNEXURE P/1) passed by the respondent no.2 so far as it relates to the petitioner.

10.3 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.



10.4 That, this Hon'ble Court may kindly be pleased to grant cost of the petition."

2. Learned counsel for petitioner submits that petitioner while working on the post of Hostel Superintendent Grade-D was promoted vide order dated 09.06.2022 as Hostel Superintendent Grade-C and he was posted in Pre-Metric (Three Unit), Boys Hostel, Jarhabhata, Bilaspur. Since the date of promotion, petitioner was posted at Bilaspur. State Government has taken a decision to post promoted Hostel Superintendent through counseling and according to the policy formulated, there are three level of counseling ie. District Level, Divisional Level and the State level. While conducting the counseling at district level or the divisional level, petitioner was not called for the counseling so as to grant him an opportunity to opt for the hostel disclosed in the list for the posting of the promoted Hostel Superintendent Grade-C. Petitioner was called for counseling in the state level counseling and thereby petitioner is being discriminated to opt a better place at or nearby Bilaspur for his posting after promotion. Petitioner has submitted a representation before Respondent No. 2 on 12.01.2026. Till date nobody is posted at the present place of posting of petitioner. He also contended that in the list of vacant place of hostels to be posted, even at State level counseling, Bilaspur and Raipur have been shown to be 'Null' vacancy, which is also erroneous. After posting of petitioner, vacancy at the hostel in which petitioner is working presently will become vacant and therefore also there is some error in publishing list of hostels on the State level also. He contended that till decision on the representation of petitioner is taken by the respondent No. 2, some interim protection be granted. He submits that as of now petitioner is not relieved from the present place of posting.
3. Learned State counsel submits that posting after promotion is within the prerogative of employer and accordingly decision has been taken by the State level counseling that to curb out the irregularity, posting is to be done after counseling process. Hence, the procedure adopted by the State



authorities cannot be said to be erroneous in any manner. He further submits that looking to the nature of grievance raised by the petitioner and further that petitioner has already submitted representation before Respondent no. 2, appropriate decision will be taken by the concerned authority in accordance with law considering the grievance raised by petitioner.

4. I have heard learned counsel for the parties and also perused the documents enclosed along with writ petition.
5. The dispute raised in this writ petition is with respect to posting of petitioner. Respondents authorities finding some irregularities in posting of promoted Hostel Superintendent Grade-C has taken a decision to post the Hostel Superintendent after their counseling and accordingly the guidelines in this regard has been issued on 10.06.2025. Perusal of guidelines issued by the State Government for posting of the Hostel Superintendents promoted in the year 2022, 2023 and 2025 would show that the committee for counseling has been constituted at three levels ie., District Level, Divisional Level and the State level.
6. It is case of petitioner that, petitioner was not called for the counseling process even at the district level or the divisional level. According to the procedure adopted by the State Government for filling up of the post on the basis of counseling, the first procedure before the counseling starts, is to publish list of hostels vacant for the posting of the promoted Hostel Superintendent Grade-C on seniority basis. If the petitioner is not called for counseling at District Level and the divisional level, in that circumstances, definitely petitioner suffered loss and deprived of his right to opt a better place for his posting after promotion at that level. Further, from the submission of learned counsel for petitioner, it is appearing that except the petitioner, no other person is posted in the hostel at Bilaspur in which petitioner is working and in the State level counseling proceeding also this hostel is also not shown to be filled up in the counseling process.



7. From the aforementioned facts, it is appearing that some error has been committed on the lower level of counseling process and therefore, instead of keeping this writ petition pending, seeking reply from the respondents, I find it appropriate to dispose of this writ petition at this stage directing Respondent No. 2 to take decision on the representation submitted by petitioner in accordance with law considering all the grounds as raised therein, within a further period of 04 weeks from the date of receipt of copy of order passed by this court.
8. As submitted by learned counsel for petitioner that petitioner till date has not been relieved and no other employee is placed at the place of posting of petitioner, it is directed that till decision is taken on the representation submitted by petitioner, *status quo* as it exists today with respect to posting of petitioner, shall be maintained by the parties.
9. With the aforesaid observation and direction, this writ petition is disposed of.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

JUDGE