



2026:CGHC:15047



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1011 of 2023**

1 - Parmeshwar Baghel S/o Late Benuram Baghel Aged About 39 Years Posted As Assistant Teacher (L.B.), At Government Primary School Bhaismudi Block Mainpur District Gariyaband Chhattisgarh

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

1 - State Of Chhattisgarh Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh

2 - Director Directorate Of Public Instruction Indrawati Bhawan, Naya Raipur, Atal Nagar District Raipur Chhattisgarh

3 - Joint Director Education Division Raipur District Raipur Chhattisgarh

4 - District Education Officer Gariyaband, District Gariyaband Chhattisgarh

--- Respondent(s)**WPS No. 1036 of 2023**

1 - Visheshwar Yadav S/o Shri Bhanwar Singh, Aged About 36 Years Posted As Assistant Teacher (Lb), At Government Primary School Saraipani, Block Mainpur, District Gariyaband (Chhattisgarh)



2 - Neeladhar Pradhan S/o Late Laibano Ram Pradhan, Aged About 43 Years Posted As Assistant Teacher (Lb), At Government Primary School Dongiyapara, Block Mainpur, District Gariyaband (Chhattisgarh)

3 - Yarendra Singh Komarra S/o Madhu Singh Komarra, Aged About 45 Years Posted As Assistant Teacher (Lb), At Government Primary School Godiyari, Block Mainpur, District Gariyaband (Chhattisgarh)

4 - Virendra Kumar Manjhi S/o Lilambar Manjhi, Aged About 40 Years Posted As Assistant Teacher (Lb), At Government Primary School Kendupati, Block Mainpur, District Gariyaband (Chhattisgarh)

5 - Nand Kumar Sonwani, S/o Bijmal Sonwani, Aged About 36 Years Posted As Assistant Teacher (Lb), At Government Primary School Dhobanmal, Block Mainpur, District Gariyaband (Chhattisgarh)

6 - Jansingh Manjhi S/o Kushoram Manjhi, Aged About 44 Years Posted As Assistant Teacher (Lb), At Government Primary School Jadapara, Block Mainpur, District Gariyaband (Chhattisgarh)

7 - Loknath Manjhi S/o Lal Singh Manjhi, Aged About 48 Years Posted As Assistant Teacher (Lb), At Government Primary School Siharlati, Block Mainpur, District Gariyaband (Chhattisgarh)

8 - Smt. Bhumika Sinha W/o Tikam Lal Sinha, Aged About 43 Years Posted As Assistant Teacher (Lb), At Government Primary School Panigoan, Block Mainpur, District Gariyaband (Chhattisgarh)



9 - Smt. Savita Jethe W/o Shyam Rao Jethe, Aged About 43 Years Posted As Assistant Teacher (Lb), At Government Primary School Usrijor, Block Mainpur, District Gariyaband (Chhattisgarh)

10 - Nilambar Jagat S/o Lakhidhar Jagat, Aged About 40 Years Posted As Assistant Teacher (Lb), At Government Primary School Kuhimal, Block Mainpur, District Gariyaband (Chhattisgarh)

11 - Girija Shankar Vaishnaw S/o Bhuvendra Das Vaishnaw, Aged About 41 Years Posted As Assistant Teacher (Lb), At Government Primary School Gurjibhata, Block Mainpur, District Gariyaband (Chhattisgarh)

12 - Mahendra Kumar Yadav S/o Sitaram Yadav, Aged About 42 Years Posted As Assistant Teacher (Lb), At Government Primary School Dabaripara, Block Mainpur, District Gariyaband (Chhattisgarh)

13 - Surendra Kumar Thakur, S/o Karan Singh Thakur, Aged About 40 Years Posted As Assistant Teacher (Lb), At Government Primary School Amaad, Block Mainpur, District Gariyaband (Chhattisgarh)

14 - Mahendra Kumar Nayak S/o Maganlal Nayak, Aged About 40 Years Posted As Assistant Teacher (Lb), At Government Primary School Dongribhata, Block Mainpur, District Gariyaband (Chhattisgarh)

15 - Rajesh Kumar Daura S/o Bhokali Ram Daura Aged About 47 Years Posted As Assistant Teacher (Lb), At Government Primary School Kuchenga, Block Mainpur, District Gariyaband (Chhattisgarh)

16 - Vaishtav Singh Markam S/o Prahllad Singh Markam, Aged About 38 Years Posted As Assistant Teacher (Lb), At Government Primary School Tetalkhuti, Block Mainpur, District Gariyaband (Chhattisgarh)



17 - Galitram Dhruv S/o Chatur Singh Dhruv, Aged About 43 Years Posted As Assistant Teacher (Lb), At Government Primary School Dhanora, Block Mainpur, District Gariyaband (Chhattisgarh)

18 - Bhagwan Singh Yadav, S/o Tobi Singh Yadav, Aged About 41 Years Posted As Assistant Teacher (Lb), At Government Primary School Kendukot, Block Mainpur, District Gariyaband (Chhattisgarh)

19 - Milap Ram Yadav S/o Durbal Ram Yadav Aged About 40 Years Posted As Assistant Teacher (Lb), At Government Primary School Kandekela, Block Mainpur, District Gariyaband (Chhattisgarh)

20 - Suresh Kumar Sharma S/o Alakh Ram Sharma, Aged About 51 Years Posted As Assistant Teacher (Lb), At Government Primary School Dhurvagudi, Block Mainpur, District Gariyaband (Chhattisgarh)

21 - Jay Prakash Tripathi, S/o Nilkanth Tripathi, Aged About 45 Years Posted As Assistant Teacher (Lb), At Government Primary School Golamal, Block Mainpur, District Gariyaband (Chhattisgarh)

22 - Suresh Kumar Chakradhari S/o Kasthi Ram Chakradhari, Aged About 42 Years Posted As Assistant Teacher (Lb), At Government Primary School Soripara, Block Mainpur, District Gariyaband (Chhattisgarh)

23 - Vedmal Bhati S/o Bharat Ram Bhati, Aged About 42 Years Posted As Assistant Teacher (Lb), At Government Primary School Mastarpara, Block Mainpur, District Gariyaband (Chhattisgarh)



24 - Gajanand Ram Baghel S/o Ghasiram Baghel, Aged About 46 Years Posted As Assistant Teacher (Lb), At Government Primary School Falsapara, Block Mainpur, District Gariyaband (Chhattisgarh)

25 - Laxmikant Dubey S/o Onkar Prasad Dubey, Aged About 46 Years Posted As Assistant Teacher (Lb), At Government Primary School Padampur, Block Mainpur, District Gariyaband (Chhattisgarh)

26 - Chain Singh Nagwanshi S/o Keshaboram Nagwanshi, Aged About 42 Years Posted As Assistant Teacher (Lb), At Government Primary School Junapara, Block Mainpur, District Gariyaband (Chhattisgarh)

27 - Mohan Lal Nagesh S/o Chamaru Ram Nagesh, Aged About 43 Years Posted As Assistant Teacher (Lb), At Government Primary School Salhebhata, Block Mainpur, District Gariyaband (Chhattisgarh)

28 - Rajesh Rao Sinda S/o Shankar Rao Sinda, Aged About 49 Years Posted As Assistant Teacher (Lb), At Government Primary School Kokadimal, Block Mainpur, District Gariyaband (Chhattisgarh)

29 - Kumendra Kashyap S/o Dular Singh Kashyap, Aged About 41 Years Posted As Assistant Teacher (Lb), At Government Primary School Bajadi, Block Mainpur, District Gariyaband (Chhattisgarh)

30 - Nehar Singh Nagesh S/o Ghasiram Nagesh Aged About 40 Years Posted As Assistant Teacher (Lb), At Government Primary School Kanwarama, Block Mainpur, District Gariyaband (Chhattisgarh)

31 - Sundar Lal Kashyap, S/o Anantram Kashyap, Aged About 45 Years Posted As Assistant Teacher (Lb), At Government Primary School Devdongar, Block Mainpur, District Gariyaband (Chhattisgarh)



32 - Kosing Netam S/o Pilaram Netam Aged About 58 Years Posted As Assistant Teacher (Lb), At Government Primary School Bhutbeda, Block Mainpur, District Gariyaband (Chhattisgarh)

33 - Kunwar Singh Nagesh S/ Mulchand Nagesh, Aged About 40 Years Posted As Assistant Teacher (Lb), At Government Primary School Udati, Block Mainpur, District Gariyaband (Chhattisgarh)

34 - Santosh Kumar Patel S/o Chainuram Patel, Aged About 43 Years Posted As Assistant Teacher (Lb), At Government Primary School Mainpurkhurd, Block Mainpur, District Gariyaband (Chhattisgarh)

35 - Narendra Kumar Patel S/o Dhanuram Patel, Aged About 47 Years Posted As Assistant Teacher (Lb), At Government Primary School Kosammuda, Block Mainpur, District Gariyaband (Chhattisgarh)

36 - Damodar Sai Negi S/o Naradram Negi, Aged About 42 Years Posted As Assistant Teacher (Lb), At Government Primary School Mudapara, Block Mainpur, District Gariyaband (Chhattisgarh)

37 - Uttam Ram Bastiya S/o Chakro Ram Bastiya, Aged About 38 Years Posted As Assistant Teacher (Lb), At Government Primary School Koyaba, Block Mainpur, District Gariyaband (Chhattisgarh)

38 - Virendra Kumar Yadav S/o Tilakram Yadav, Aged About 36 Years Posted As Assistant Teacher (Lb), At Government Primary School Falsapara, Block Mainpur, District Gariyaband (Chhattisgarh)



39 - Umesh Kumar Shrivastava S/o Mohan Lal Shrivastava Aged About 42 Years Posted As Assistant Teacher (Lb), At Government Primary School Dendupadar, Block Mainpur, District Gariyaband (Chhattisgarh)

40 - Sunil Kumar Awasthi, S/o Jagdish Prasad Awasthi, Aged About 48 Years Posted As Assistant Teacher (Lb), At Government Primary School Soripara Block Mainpur, District Gariyaband (Chhattisgarh)

41 - Digesh Kumar Dewangan S/o Dhaniram Dewangan, Aged About 45 Years Posted As Assistant Teacher (Lb), At Government Primary School Urmal, Block Mainpur, District Gariyaband (Chhattisgarh)

42 - Bhikhari Ram Sahu S/o Narayan Singh Sahu, Aged About 41 Years Posted As Assistant Teacher (Lb), At Government Primary School Tetalkhuti, Block Mainpur, District Gariyaband (Chhattisgarh)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.

2 - Director Directorate Of Public Instruction Indrawati Bhawan, Naya Raipur, Atal Nagar, District Raipur (Chhattisgarh)

3 - Joint Director, Education Division Raipur District Raipur (Chhattisgarh)

4 - District Education Officer Gariyaband, District Gariyaband Chhattisgarh.

--- Respondent(s)

(Cause title taken from CIS periphery)



For Petitioner(s)	:	Ms. Zainab Vanak appears on behalf of Shri Mateen Siddiqui, Advocate.
For State/Res(s)	:	Shri Dilman Rati Minj, Deputy AG.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

01/04/2026

1. Since the issue involved in both the petitions is one and the same, they are being disposed of by this common order.
2. Challenge in both the writ petitions is to the order dated 17.01.2023 (Annexure P/1) passed by District Education Officer, Gariyaband C.G. whereby leaving out the petitioners other employees have been promoted from the post of Assistant Teacher (LB) to the post of Head Master.
3. By way of these writ petitions, following reliefs have been sought by the petitioners:-

10.1 set-aside/ quash the impugned promotion order Dated 17.01.2023 (Annexure P/1) issued by respondent District Education Officer, Gariyaband.

10.2 direct the respondent State to consider the candidature of the petitioners on the post of Head Master (Primary School) as per promotion order Dated 31.10.2022 (Annexure P/4) issued by respondent District Education Officer, Gariyaband.

10.3 grant any other writ(s), order(s), relief(s) in favour of the petitioners which the Hon'ble Court deemed fit & just in the



facts and circumstances of the case, including award of the costs to the petitioners.

4. For the purposes of disposal, fact pleaded in WPS No.1011 of 2023 are being referred to.

4A. The petitioner was appointed initially on the post of Assistant Teacher (Panchayat) on 06.07.2005 and posted at Government Primary School Bhaismudi, Janpad Panchayat Mainpur District Raipur (now Gariyaband). Thereafter, services of the petitioner has been regularized on the post of Assistant Teacher (Panchayat). The petitioner after completion of 07 years of his services got Time Pay-Scale thereafter get Revised Pay-Scale after completion of 08 years of his services. As per the notification Dated 30.06.2018 the employee who have completed 8 years of services on 01.07.2018 with the respondent authority is liable to get absorbed in School Education Department. The petitioner got absorbed in the School Education Department in the year 2018 on the post of Assistant Teacher (LB). Vide order dated 31.10.2022 passed by the respondent District Education Officer on the basis of recommendation of departmental promotion committee the petitioner was promoted on the post of Head Master (Primary School) from the post of Assistant Teacher (L.B.) name of the petitioner shown as S.No.545. Subsequently the respondent District Education Officer Gariyaband, suo-moto initiated a revised DPC and amended the earlier promotion order Dated 31.10.2022, whereby name of the petitioner has been left, and it has been orally informed to the petitioner that his name under the paribhraman/sealed cover envelope.



The respondent District Education Officer Gariyaband has amended/cancelled the promotion of petitioner, without giving opportunity of hearing to the petitioner and without any authority. The respondent District Education Officer, Gariyaband vide order Dated 22.01.2023 fixed the counseling for the post of Head Master (Primary School) on 04.02.2023 for Block Mainpur. The action of the respondent State is illegal, arbitrary and contrary to the law applicable to the facts and circumstances of the case, and the respondent authorities has passed the impugned order without giving opportunity of hearing to the petitioner and in violation of principle of natural justice. The impugned order passed by respondent authority is without any authority and beyond jurisdiction as the petitioner has been promoted on the post of Head Master (Primary School) from the post of Assistant Teacher (L.B.) on the basis of recommendation made by departmental promotion committee, therefore the respondent District Education Officer cannot amend/cancel the promotion of the petitioner. Thus, the action of the respondent State violates the principle of natural justice and is also in violation of service/promotion rules. The impugned order passed by the respondent authorities is contrary to law laid down by this Hon'ble Court as well as Hon'ble Supreme Court. The same is violative of Article 14 & 15 of the Constitution of India. The respondent State may take the plea that the petitioner have not impleaded the other promoted candidate, as party respondent. The same has not been done for the reason that, firstly no final posting order has been passed, secondly the



petitioner's case for promotion has not been rejected, its only have been kept in paribharaman, thirdly the petitioner is already senior to the other candidates. Hence these petitions.

5. Learned counsel for the petitioners at the first instance would like to draw attention of this Court towards the affidavit of Smt. Padmini Hardel, Deputy Director Panchayat Gariyaband, District Gariyaband C.G. filed by learned counsel for respondent/State on 18.3.2026 in compliance this Court's order dated 02.03.2026 and 16.03.2026. It has been clearly stated in the affidavit that neither any departmental enquiry is pending against the petitioners nor any charge sheet has been issued to them and yet in the absence of the same, the respondent authorities have withheld the promotion of petitioners. She submits that petitioners are required to be considered for promotion on the post of Head Master.
6. Learned State counsel submits that they are ought to comply any order passed by this Court though he submits that some enquiry is pending against the petitioners.
7. I have heard learned counsel for the parties and perused the material available with the petition.
8. On the last date of hearing i.e. 16.03.2026, learned State counsel was directed to file affidavit so as to substantiate his submission that no departmental enquiry is pending nor any charge sheet has been issued against the petitioners.
9. In compliance of the said order, learned State counsel has filed affidavit of



Smt. Padmini Hardel, Deputy Director Panchayat Gariyaband, District

Gargiyaband whereupon it is reflected that neither any departmental enquiry is pending against the petitioners nor any charge sheet has been issued to them.

10. In the case at hand, petitioners were initially appointed on the post of Assistant Teacher (Panchayat) on 06.07.2005 were posted at Government Primary School Bhaismudi, Janpad Panchayat Mainpur District Raipur (now Gariyaband). Thereafter, petitioners upon completion of 7 years of service received service benefits such as Time pay scale and revised pay scale. After completion of 8 years of service, petitioners were absorbed in the School Education Department on the post of Assistant Teacher (LB). Vide order dated 31.10.2022 (Annexure P/4) passed by District Education Officer, Gariyaband C.G., petitioners were promoted from Assistant Teacher (LB.) to the post of Head Master (Primary School). However, subsequently the District Education Officer Gariyaband conducted a revised DPC and amended the earlier order dated 31.10.2022 and issued the impugned order wherein name of the petitioners have not been reflected for promotion.
11. Considering the submissions of the parties and upon plain reading of the affidavit that neither any departmental enquiry is pending against the petitioners nor any charge sheet has been issued against them as of now, then their case for grant of promotion to the post of Head Master should be considered by the respondent authorities.



12. Accordingly, respondent authorities are directed to consider the case of the petitioners for grant of promotion to the post of Head Master (Primary School) in accordance with law and the cancellation order by way of which promotion of the petitioners has been cancelled, is hereby quashed/set aside, as the same is not in accordance with law in the absence of any departmental enquiry and charge sheet issued to the petitioners or anything adverse found against the petitioners.
13. With the aforesaid observation/direction, the Writ Petitions are disposed of.
14. Petitioners are at liberty to move appropriate application in light of this order which shall be considered by the Authority on its own merits.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Avinash