



2026:CGHC:18608

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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 422 of 2022

1 - Manoj Kumar Chandrakar S/o Purushottam Prasad Chandrakar Aged About 39 Years Working As Assistant Teacher (Lb), Janpad Primary School, Gadhwat, Block Bilha, District Bilaspur Chhattisgarh.

--- **Petitioner(s)**

versus

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

2 - The Director Directorate Of Public Instructions, Nawa Raipur Atal Nagar , District Raipur Chhattisgarh.

3 - The District Education Officer District Bilaspur Chhattisgarh.

4 - The Chief Executive Officer Zila Panchayat Bilaspur, District Bilaspur Chhattisgarh.

5 - The Chief Executive Officer Janpad Panchayat, Bilha, District Bilaspur Chhattisgarh.

--- **Respondent(s)**

WITH

WPS No. 1380 of 2022

1 - Smt. Varsha Agrawal W/o Shri Pankaj Agrawal Aged About 35 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Murmunda, Block- Dongargarh, District- Rajnandgaon(C.G.)

2 - Smt. Pushpanjali Chandrakar W/o Shri Deepak Chandrakar, Aged About 32 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Bharritola, Block- Dongargarh, District- Rajnandgaon(C.G.)

3 - Smt. Vidya Kanwar W/o Ramchandra Kanwar Aged About 33 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Narsingpur, Block- Dongargarh, District- Rajnandgaon(C.G.)



4 - Smt. Preeti Sarle W/o Shri Mangle Das Sarle Aged About 38 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Bhejratola, Block- Dongargarh, District- Rajnandgaon(C.G.)

5 - Dashrath Mandavi S/o Harishchand Mandavi Aged About 40 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Banbod, Block- Dongargarh, District- Rajnandgaon(C.G.)

6 - Kaushalya Mandavi W/o Dashrath Mandavi Aged About 36 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Bhaisra, Block- Dongargarh, District- Rajnandgaon(C.G.)

7 - Smt. Chameli Lilhare W/o Shri Dhaneshwar Lilhare, Aged About 38 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Musrakhurd, Block- Dongargarh, District- Rajnandgaon(C.G.)

---Petitioner(s)

Versus

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

2 - The Director, Directorate Of Public Instructions, Nawa Raipur, Atal Nagar, District-Raipur (C.G.)

3 - The District Education Officer, District- Rajnandgaon (C.G.)

4 - The Chief Executive Officer, Zila Panchayat, Rajnandgaon, District- Rajnandgaon (C.G.)

5 - The Chief Executive Officer, Janpad Panchayat, Dongargarh, District- Rajnandgaon(C.G.)

6 - The Block Education Officer, Dongargarh, District- Rajnandgaon(C.G.)

--- Respondent(s)

WITH

WPS No. 1389 of 2022

1 - Smt. Vidya Lilhare W/o Shri Sanjay Lilhare, Aged About 38 Years Working As Assistant Teacher (L B), Govt. Primary School Devkatta, Block Dongargarh, District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---Petitioner(s)

Versus



1 - State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2 - The Director, Directorate Of Public Instructions, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

3 - The District Education Officer, District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

4 - The Chief Executive Officer, Zila Panchayat, Rajnandgaon, District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

5 - The Chief Executive Officer, Janpad Panchayat Dongargarh, District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

6 - The Block Education Officer, Dongargarh, District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

--- Respondent(s)

For Petitioners	:	Mr. Sanjeev Kumar Sahu, Advocate
For State	:	Mr. Vinay Pandey, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

23.4.2026

1) By way of these petitions, petitioners have sought following reliefs:-

10.1 That this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby directing the respondent authorities to decide the pending representation of the petitioner for counting the seniority for promotion from the date of initial appointment of the petitioner, within stipulated time, in accordance with law in view of judgment passed by the Division Bench of this Hon'ble Court in W.A. No. 475/2015.

10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the cost of the petition may be given.



- 2) Learned counsel for the petitioners submits that initially petitioners were appointed to the post of Shiksha Karmi Grade-III and they were transferred from one district to another on their own request and they were placed at the bottom of the seniority in the respective transferred districts. He contends that respondent authorities ought to have considered their past services while reckoning their seniority as per the law laid down by Hon'ble Supreme Court in the matter of **Dwijen Chandra Sarkar Versus Union of India** reported in (1999) 2 SCC 119. He argues that respondent authorities may be directed to decide the pending representations of the petitioners in light of the judgment rendered by the Hon'ble Division Bench in the matter of **Smt. Reeta Singh Versus State of Chhattisgarh and Others** passed in **Writ Appeal No. 475 of 2015**.
- 3) On the other hand, learned State counsel would oppose.
- 4) I have heard learned counsel for the parties and perused the material available on record along with the judgment passed by Hon'ble Division Bench in matter of **Smt. Reeta Singh** (supra).
- 5) In the matter of **Smt. Reeta Singh** (supra), Hon'ble Division Bench in paragraph 6 held as under :-

6. Considering a similar issue with regard to calculation of the time period for grant of time bound promotion in a case relating to transfer upon request, it was observed in (1999) 2 Supreme Court Cases 119 (Dwijen Chandra Sarkar v. Union of India) as follows:



17. On the facts of the present case and especially in view of the aforesaid decisions, we are of the view that when the transfer is in public interest and not on request, the two employees transferred cannot be in a worse position than those in the above rulings who have been transferred on request and who in those cases accepted that their names could appear at the bottom of the seniority list. Even in cases relating to request transfers, this Court has held, as seen above, that the past service will count for eligibility for certain purposes though it may not count for seniority.

18. Hence the transfer order and circular concerned of 1983 which required that the past service should not count for seniority, cannot have any bearing on eligibility for time-bound promotion. Seniority and time-bound promotions are different concepts, as stated above.

19. For the above reasons, we hold that the past service of the appellants is to be counted for the limited purpose of eligibility -for computing the number of years of qualifying service, to enable them to claim the higher grade under the Scheme of Time-bound Promotions.

6) Taking into consideration the aforesaid legal principles established by the Hon'ble Supreme Court, these petitions are being disposed reserving liberty in favor of petitioners to make fresh representations before the Director, Directorate Of Public Instructions and the respective CEO, Zila Panchayat of the concerned districts within period of 30 days from today.

7) The afore-stated authorities shall decide the petitioners'



representations by way of a speaking order within 90 days of receiving a copy of the same.

- 8) With the aforesaid observation(s) and direction(s), these petitions stand **disposed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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