



2026:CGHC:13448



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1657 of 2021**

Dr. Madan Mohan Tiwari S/o Late Shri G. B. Tiwari Aged About 64 Years R/o R. M. S. Colony Tagore Nagar Raipur Chhattisgarh.

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, Higher Education Of Department, D. K. S. Bhawan, Raipur Chhattisgarh.

2 - Chhattisgarh State Public Service Commission Through Secretary, Shankar Nagar, Raipur Chhattisgarh

3 - Dr. Rameshwar Nath Singh Presently Working As Principal Government College Dongargaon District Rajnandgaon Chhattisgarh

4 - Dr. Smt. Radha Pandey Presently Working As Principal Government College Kurud, District Dhamtari Chhattisgarh

5 - Dr. Smt. Abha Tiwari Presently Posted As Professor, Government D. B. Girls College Raipur District Raipur Chhattisgarh

6 - Dr. Sakha Muru Vekant Krishna Prasad Presently Working As Principal Government College Gurur District Durg Chhattisgarh

7 - Dr. Sarita Sinha Presently Working As Principal Government Girls College Mahasamund District Mahasamund Chhattisgarh

8 - Dr. Smt. Vinod Sharma Presently Working As Principal Government College Palari, District Raipur Chhattisgarh



9 - Dr. Ravindra Kumar Agarwal Presently Working As Principal Government College Kheratha District Durg Chhattisgarh

10 - Dr. Smt. Uma Ram Presently Working As Principal Government College Bhanpuri, District Bastar Chhattisgarh

11 - Dr. Rajesh Pandey Presently Working As Principal In Government Kamla Devi Mahila Mahavidyalaya, College District Rajnandgaon Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Ms. Surya Kawalkar Dangi, Advocate
For State	:	Ms. Saumya Sharma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan pandey

Order on Board

20/03/2026

1. The petitioner has filed this petition seeking the following relief(s):-

"10.1 That, this Hon'ble Court may kindly be pleased to set aside the order dated 27.09.2018 (Annexure P/1) as illegal and bad in law.

10.2 That this Hon'ble Court may kindly be pleased to set aside the circular dated 10.08.1990 (Annexure P/2) as being illegal and bad in law.

10.3 That this Hon'ble Court may kindly be pleased to direct the respondent no. 1 to place the petitioner at sr. no. 67 in gradation list of Professors as on 01.04.2007.

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to promote the petitioner on the post of Principal, Degree from the date his juniors (private respondents) have been promoted i.e. 30.05.2009 and to grant all the consequential benefits, therefrom.



10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief as deemed necessary as deem fit."

2. Learned counsel for the petitioner would submit that the petitioner was appointed to the post of Assistant Professor (Physics) under respondent No.1- Department on an ad hoc basis vide order dated 03.01.1985, and his services were regularized vide order dated 04.03.1987. She would further submit that the services of respondents No.03 to 11 were also regularized w.e.f. 19.03.1987, 19.01.1987, and 10.10.1991. She would further submit that though the services of the petitioner were regularized on 03.01.1986, prior to the dates of regularization of the private respondents, the petitioner was placed below the private respondents in the seniority list. She would also submit that a WPS No.325/2010 was filed challenging the promotion order dated 30.05.2009, wherein a direction was issued to the respondent authorities to decide the representation of the petitioner. She would further submit that the representation made by the petitioner has been rejected vide order dated 27.02.2018. She would contend that, admittedly, the services of the petitioner were regularized prior to the private respondents, but this aspect has not been considered by the respondent authorities while deciding the representation. She would pray to set aside the orders dated 27.09.2018 and 10.08.1990.
3. On the other hand, learned counsel appearing for the respondents would submit that this petition was filed on 26.02.2021, and on the said date, the age of the petitioner was 64 years. They would further submit that the petitioner as well as the private respondents have already retired from service, and the issue of settled seniority cannot be reopened after the retirement of Government servants; thus, this writ petition deserves to be dismissed.



2026:CGHC:13448

4. Heard.
5. Taking into consideration the fact that the petitioner as well as the private respondents have already retired on account of attaining the age of superannuation, therefore, in my opinion, no direction can be issued to the respondent authorities to consider the claim of the petitioner for grant of seniority over and above the private respondents.
6. Accordingly, this writ petition is hereby **dismissed**.

Sd/-

Rakesh Mohan pandey

JUDGE

Nadim