



2026:CGHC:10166-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 195 of 2026**

Rajendra Kumar Sahu S/o Shri Motiram Sahu Aged About 40 Years
Teacher (L.B) Govt. Middle School Jamul Block- Durg District- Durg
(C.G.)

... Appellant(s)**versus**

1. State of Chhattisgarh Through The Secretary School Education
Department Mahanadi Bhawan Mantralaya Nava Raipur, Atal
Nagar District- Raipur (C.G.)
2. Director Public Instructions Directorate Indrawati Bhawan Nava
Raipur, Atal Nagar, District- Raipur (C.G.)
3. Divisional Joint Director (Education) Durg Division Durg District-
Durg (C.G.)
4. District Education Officer Durg District- Durg (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. C. Jayant K. Rao, Advocate.
For Respondent/State	:	Mr. Prasun Bhaduri, Deputy Advocate General.



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Judgment on Board

Per Ramesh Sinha, Chief Justice

27.02.2026

1. Heard Mr. C. Jayant K. Rao, learned counsel for the appellant. Also heard Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State.

2. The present intra Court appeal has been filed by the appellant against the order dated **10.02.2026** passed by the learned Single Judge in **WPS No. 1547 of 2026 (Rajendra Kumar Sahu vs. State of Chhattisgarh & Others)**, whereby the writ petition filed by the appellant/writ petitioner has been dismissed by the learned Single Judge.

3. It has been pointed out by learned counsel, appearing for the appellant as well as learned State counsel that in an identical matter, this Bench had dismissed **WA No. 529 of 2025 (Smt. Pooja Yadav vs. State of Chhattisgarh & Others)** vide order dated **28.07.2025**, observing as follows :

“7. From perusal of the impugned order, it transpires that the learned Single Judge has dismissed the writ petition i.e. WPS No. 4666 of 2025 vide order dated 04/07/2025, holding that the writ petitioner, who is the Assistant Teacher at Govt. Primary School, Gaushala



Naila has assailed her transfer order, which has been issued under the Rationalization Instructions dated 02.08.2024. For primary schools, the rationalization of the teachers are to be considered as per clause 7-A of the said instructions. The process of counseling was also given in the said instructions dated 02.08.2024 in Clause 10. Further, Clause 10 of the Rationalization Instructions dated 02.08.2024 provides that the surplus teachers are to be firstly transferred to teacherless schools and then single teacher school and only thereafter, they could be posted in the schools having excess students. For the counseling, the equal number of schools, either teacherless, single teacher or excess students' school should be displayed equal to the surplus teacher, keeping in view that all the teacherless and single teacher school, should be necessarily displayed and only thereafter, the schools having excess students should be displayed. Clause 10.7 of the said instructions also provides the priority to the ladies teachers on the basis of their seniority.

8. The learned Single Judge further held that from perusal of clause 7 and 10 of the Rationalization Instructions dated 02.08.2024, it is quite vivid that there is proper procedure prescribed to trace the surplus teacher and for their posting in other school either teacherless, single teacher or school having excess students. Further, it also appears that as per clause 10.7 the ladies teachers have given priority and they have been called in counseling and as per their option and choice, they have been posted at the respective places. It cannot be said that the authorities have arbitrarily exercised their powers to declare the writ petitioner surplus and to transfer her services to other school. It is only an administrative exigency under the Rationalization Instructions, It is a trite law



that transfer/posting is an incidence of service, the Court should not interfere with the transfer/posting order, unless there is malice, infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in public interest and administrative exigency. Further, it is for the government to post another person, if any vacancy arises on account of transfer/posting of an employee.

9. Considering the submissions advanced by the learned counsel for the parties and the finding recorded by the learned Single Judge while dismissing the writ petition filed by the writ petitioner /appellant herein, we notice that the same has been rendered with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmity or perversity, as such, we are not inclined to interfere with the impugned order.

10. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed. No cost(s)."

They further submitted that since the facts and issue involved in the present case is identical to that of WA No. 529 of 2025, this appeal may also be dismissed in the same terms.

4. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the materials available on record, it is evident that the facts and the issues involved in the present appeal are identical to those in **WA No. 529 of 2025**. Accordingly, this Court deems it appropriate to adopt the view taken in **WA No. 529 of 2025** and does not find any reason to take a different view in the present matter.



5. Accordingly, the present appeal is **dismissed** in terms of the order dated **28.07.2025** passed in **WA No. 529 of 2025**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice