



2026:CGHC:12805

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPL No. 134 of 2012**

1 - The Principal Rajkumar College, G.E. Road, College Ward, Raipur, Chhattisgarh

2 - Rajkumar College Society A Society Deemed To Be Registered Under The C.G. Registikaran Adhinyam, Through Secretary, College Ward G.E. Road Raipur, District : Raipur, Chhattisgarh

... Petitioners**Versus**

***** - Mrs. Savita Mohanty W/o Shri K.M. Mohanty, Executive Director, Kanger Valley Academy, Dumar Talab Raipur, Chhattisgarh

... Respondent

For Petitioners/Management :	Mrs. Fouzia Mirza, Senior Advocate with Ms.Rashmi Tandon, Advocate
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For Respondent/Workman :	Mr. Anup Mazumdar, Advocate
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Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

17/03/2026

- The petitioners/management have filed this petition assailing the judgment and award passed by the Appellate Authority, M.P. Shops & Establishment Act 1958, Raipur in Appeal No. 01/Shop/Appeal/RPR/2008 dated 08.05.2012, whereby the appeal preferred by the workman/respondent was allowed.
- The facts, in brief, are that the respondent/workman was appointed as Assistant Teacher to teach Oriya Language in Junior and Senior School Classes, until she completes her B.Ed vide order dated 21.06.1990 (Annexure- P/6). The order of appointment was issued by the

Officiating Principal, Rajkumar College, Raipur. The respondent could not qualify the B.Ed. Degree which was necessary requirement as per guidelines issued by the Council for the Indian Certificate of Secondary Education Examination. The reminder letter were sent to the respondent from time to time vide Annexure- P/9. The respondent filed reply to said notice and informed the management that she joined the course. As the respondent could not submitted the B.Ed. Certificate with the management, therefore, her services were terminated vide order dated 19.06.2008 (Annexure- P/2). The respondent preferred an appeal according to the provisions of Section 58 (2) of the M.P. Shops & Establishment Act 1958 before the Appellate Authority and said appeal was allowed vide order dated 08.05.2012. The Appellate Authority passed an order of reinstatement with full back wages. The petitioners herein/management have challenged the said order by filing this petition.

3. Mrs. Fouzia Mirza, learned Senior Advocate appearing for the petitioners/management would submit that the respondent was required to complete B.Ed. Degree as per guidelines for affiliation and this condition was specifically mentioned in the order of appointment. She would contend that the reminders were sent to the respondent from time to time, but she did not respond properly and therefore, a decision was taken by the management, whereby her services were terminated. She would contend that the management has taken decision pursuant to guidelines issued by the Indian Certificate of Secondary Education and afforded sufficient opportunity to the respondent. She would contend that the learned Court below has not considered these aspects and allowed the appeal preferred by the

respondent. She would pray to allow this petition. It is also contended that pursuant to order dated 08.05.2012, the respondent joined the services, but she failed to continue, therefore, her services have again been terminated vide order dated 10.05.2017 and said order has not been challenged by the respondent. It is also argued by Mrs. Fouzia Mirza that services of the respondent were terminated according to the provisions of Section 58 of the M.P. Shops & Establishment Act 1958. She would contend that 03 months prior notice was served on the respondent and thereafter decision was taken.

4. On the other hand, Mr. Anup Mazumdar, learned counsel appearing for the respondent would oppose the submissions made by learned Senior Advocate. He would submit that the respondent was appointed to the post of Assistant Teacher vide order dated 21.06.1990. He would contend that subsequently the services of the respondent were confirmed and she was granted annual increments and other benefits attached to the post. It is also contended that the guidelines and circulars issued by the Indian Certificate of Secondary Education were not placed on record before the Appellate Authority and these documents have been filed along with writ petition. It is also argued that the requirement stated in the circulars was never raised before the Appellate Authority and first time these grounds is being raised by the management before this Court. It is further argued by Mr. Mazumdar that according to the conditions mentioned in the order of appointment acquiring B.Ed. Degree, was not mandatory requirement. He would submit that the Appellate Authority has considered these facts and thereafter set aside the order of termination.

5. I have heard learned counsel for the parties and perused the documents annexed with the instant petition.
6. Admittedly the respondent was appointed to the post of Assistant Teacher under the petitioners on 21.06.1990. The respondent was extended benefits of increments including confirmation of service vide order dated 11.05.1994 and that time no objection was raised by the management to the effect that the respondent failed to acquire B.Ed. Degree. The services of the respondent were discontinued vide order dated 19.06.2008. In order impugned, it is stated that due to extremely meager strength of students opting for Oriya Subject her services were no longer required. Thus, it is apparent from perusal of the order of termination that services of the respondent were not terminated on account of not acquiring B.Ed. Degree, rather services were discontinued as the strength of students opting for Oriya Subject were meager.
7. The memorandum of the Association and the Rules and Regulations of Rajkumar College Society have been placed as Annexure- P/3. Circular issued by Council for the Indian School Certificate Examination has been placed on record vide Annexure- P/5. Chapter II deals with minimum qualifications of teaching staff. As per clause 3(e), teachers in classes/standards VI to VIII should be graduates possessing professional qualifications from a recognised teacher training institution. Mrs. Fouzia Mirza has stressed on this condition while arguing that the B.Ed. Degree was mandatory requirement for the post of Assistant Teacher.
8. The Appellate Authority considered the reply filed by the management and came to conclusion that services of the respondent/workman were

confirmed and she was granted increments vide document Ex. P/2-c dated 29.01.1991. It is also observed that the respondent was promoted to the Grade I-A from Grade I-B vide Ex. P/3-C dated 11.01.1993. Thus, the Appellate Authority set aside the order of termination and directed the management to reinstate the respondent/workman immediately with full back wages. It is informed by Mr. Mazumdar that the respondent has already crossed age of superannuation and she is medically not fit, therefore, subsequent order of termination was not challenged by the respondent/workman. The subsequent order of termination would not affect the merit of this case, therefore, the non-challenge of said order would not be fatal for the respondent/workman. Perusal of the order of appointment dated 21.06.1990 would make it clear that acquiring B.Ed. Degree was not a requisite criteria for appointment to the post of Assistant Teacher. It is stated in the order that "Mrs. Savita Mohanty is hereby appointed as Assistant Teacher on the staff of the Rajkumar College, Raipur, in Grade I-B to teach Oriya in Junior and Senior School CI assess, until she completes her B.Ed." The literal meaning of word used by the management "until" would make it clear that acquiring B.Ed. qualification was not necessary or compulsory, therefore, the order of termination passed by the management has rightly been set aside by the Appellate Authority. I do not find any good ground to interfere with the order passed by the Appellate Authority. Accordingly, this petition fails and is hereby **dismissed**. No order(s) as to cost(s).

Sd/-

(Rakesh Mohan Pandey)
Judge