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NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2637 of 2026**

Rakesh Kumar Saxena S/o Late Kamal Kishor Saxena Aged About 61 Years  
Posted As Assistant Teacher (LB) Government Primary School Lawar Block  
Masturi, District Bilaspur Chhattisgarh

**... Petitioner(s)****versus**

**1** - State Of Chhattisgarh Through Its Chief Secretary Ministry, Mahanadi  
Bhawan, Capital Complex, Atal Nagar, Naya Raipur, District Raipur (Cg)

**2** - Secretary General Administration Department, Government Of  
Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur,  
District Raipur (Cg)

**3** - Secretary Department Of Finance, Mantralaya, Atal Nagar, Naya Raipur,  
District Raipur (Cg)

**4** - Secretary Department Of School Education, Mantralaya, Mahanadi  
Bhawan, Atal Nagar, Naya Raipur, District Raipur (Cg)

**5** - Secretary Department Of Panchayat And Rural, Mantralaya, Mahanadi  
Bhawan, Atal Nagar, Naya Raipur, District Raipur (Cg)



**6** - Under Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (Cg)

**7** - Director Directorate Of Public Instructions, Block-Ii, 2nd Floor, Indrawati Bahwan Atal Nagar, Naya Raipur, District Raipur (Cg)

**8** - Director Directorate Of Panchayat, 2nd Floor, Indrawati Bahwan Atal Nagar, Naya Raipur, District Raipur (Cg)

**9** - Joint Director Directorate Of School Education, Bilspur Division, District Bilaspur (Cg)

**... Respondent(s)**

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | :Ms. Apoorva Pandey, Advocate   |
| For State      | :Mr. Shahil Singh, Panel Lawyer |

**S.B.: Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board**

**20/03/2026**

1. Petitioner has filed this petition seeking following reliefs:

“10.1 That, the Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing the respondent State to apply old pension scheme under Rule 1976 instead of NPS upon the petitioner.

10.2 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to grant the amount of gratuity after retirement calculating her service period from their date of initial appointment/joining.

10.3 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to refund of amount of NPS already deducted to the petitioner.



10.4 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to deduct the GPF from the salary of petitioner instead of CPF;

10.5 That, any other relief(s) which the Hon'ble Court deems fit & proper may kindly be pleased to granted in favour of the petitioner.”

2. Learned counsel for the petitioner submits that petitioner was initially appointed as Shikshakarmi in the year 2006. Pursuant to Policy formulated by the State Govt. services of the petitioner were absorbed in the School Education Department in the year 2018. However, petitioner is apprehending that petitioner will be paid pension under the New Pension Scheme (NPS) and not under the Old Pension Scheme (OPS). Similarly placed Teachers have filed writ petition bearing WPS No.777 of 2021 and other connected matters which was disposed of by a detailed order directing respondent authority therein to consider claim of those Teachers and to take decision within specified time frame and therefore similar order may also be passed in this writ petition.

3. Learned counsel for the State submits that in WPS No.777 of 2021, Coordinate Bench of this Court has only directed the authority to consider and take decision on the claim of petitioners therein and if such a direction is issued, he is having no objection to the limited prayer.

4. I have heard learned counsel for the parties and also perused the documents annexed along with this writ petition.

5. Petitioners who have filed WPS No.777 of 2021 and other connected matters are also the Teachers according to submission of



learned counsel for the petitioner. That writ petition was disposed of on

17.02.2026 making following observation :

**“45.** In the considered view of this Court, the ends of justice would be best served not by issuing a mandamus either granting or denying pensionary benefits, but by requiring the respondent-State to undertake a comprehensive and reasoned reconsideration of the determinative date of appointment for pensionary purposes in respect of employees whose service commenced as Shikshakarmis and later culminated in absorption into regular government service. Such reconsideration must necessarily take into account the continuity of service, nature of duties performed, source of salary, administrative control, and the constitutional mandate of equality under Articles 14 and 16 of the Constitution.

**46.** It is, therefore, clarified in unequivocal terms that this Court does not strike down or modify the existing policy, nor does it direct extension of any specific pensionary benefit. The formulation or amendment of policy remains within the exclusive prerogative of the State Government. However, any policy decision so taken must be clear, unambiguous, uniformly applicable and constitutionally compliant, so as to obviate further litigation and ensure predictability in service administration.

**47.** The State Government is accordingly expected to take a conscious, reasoned and categorical decision on the issue, including the question as to whether and to what extent the service rendered by the petitioners as Shikshakarmis prior to absorption in the School Education Department merits consideration for pensionary purposes, including the requirement of completion of ten years of qualifying service from 01.07 2018. Such decision shall be finalized and communicated



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via a speaking order within a strict period of 120 days from the date of receipt of this order. It is expected that authorities would consider the observations made herein above.

**48.** Needless to observe that any such decision shall be informed by relevant considerations, shall eschew arbitrariness, and shall conform to the constitutional guarantees of fairness, non-discrimination, and proportionality.”

6. Considering the submission of learned counsel for the parties, this writ petition is also disposed of in terms of order dated 17.02.2026 passed in WPS No.777 of 2021 and other connected matters. Respondents are directed to take decision on claim of petitioner in similar terms as observed in WPS No.777 of 2021, within 3 months from date of receipt of the order.

Sd/-

**(Parth Prateem Sahu)**

Judge