



2026:CGHC:14966
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2942 of 2021

- Miss P Ranjana Jaiswal D/o Shri P Kamaswami Naidu Aged About 52 Years Working As L. D.T. And Posted At Bharat Mata (Hindi Medium) Higher Secondary School Bilaspur District Bilaspur Chhattisgarh

... **Petitioner(s)**

versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Directorate Of Chhattisgarh Public Instruction, Indravati Bhawan, Second Floor, Raipur District Raipur Chhattisgarh
3. District Education Officer Bilaspur District Bilaspur Chhattisgarh
4. Principal Bharat Mata (Mh) Higher Secondary School Bilaspur District Bilaspur Chhattisgarh

... **Respondent(s)**

For Petitioner : Mr. G.P. Mathur, Advocate

For Respondents No. 1 to 3 : Mr. Abhishek Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

1.4.2026

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

"10(i) That, this Hon'ble Court may kindly be pleased to issue appropriate writ/ order/ direction including the writ of mandamus and directing the respondents to extend the benefits of the pension to the petitioner at par with the teachers of School Education Department, in the interest of justice.



10(ii) That, this Hon'ble Court may kindly be pleased to issue a appropriate writ/ order/ direction including the writ of mandamus and directing the respondents particularly respondent no. 1 to provide grant in aid to the institution of the petitioner for payment of special grant for pension to the petitioner, in the interest of justice.

10(iii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted."

2. It appears that the petitioner was a teacher working with Bharat Mata (M/H) High Secondary School, Bilaspur. His services are governed with *CG Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetano Ka Sanday) Adhiniyam, 1978*. The petitioner has claimed pension and other benefits at par with the government teachers.
3. Learned Panel Lawyer appearing for the respondents/State would submit that the petitioner was teacher working with Bharat Mata (M/H) High Secondary School, Bilaspur and said institution was getting grant-in-aid. He would submit that as *Adhiniyam* of 1978 and Revised Rules for Grant In Aid To Non-Government Educational Institutions, 1979, the teachers of *Ashaskiya Shikshan Sanstha* are not entitled for pension.
4. Heard.
5. Issue involved in the present case is no more res-integra. The coordinate bench of this Court has passed the order in the matter of ***Ashok Kumar Hazra & Ors. Vs. State of Chhattisgarh & Ors.*** in ***WPS No. 2789 of 2017*** and other connected matters, while dealing the the similar issue, in paragraphs no. 14 to 19, held as under:-



“14. On a specific query made, the petitioners failed to establish that there are any rules with regard to grant of pensionary benefits. Even the Government is granting aid to the schools only for the purpose of proper management and small funding and, as such, it cannot be said that the petitioners are also entitled for pensionary benefits at par with the government teachers.

15. It is well settled law that the Court cannot direct the legislature to enact a particular law for reason that under the constitutional scheme Parliament exercises sovereign power to enact law and no outside power or authority can issue a particular piece of legislation [See: **Supreme Court Employees' Welfare Association v Union of India Another (1989) 4 SCC 187**].

16. Very recently the Supreme Court in the matter of **Vikram Bhalchandra Ghongade vs. Headmistress Girls High School and Junior College, Anji (Mothi), Tahsil and District Wardha and Others reported in (2025) 10 SCC 248 = 2025 LiveLaw (SC) 696** categorically held that the posts in aided schools are either sanctioned by the Government or approved in accordance with the Rules and pay and allowances are also paid by the Government. The aided school teachers are also entitled to some of the conditions of service as are applicable to government teachers, with entitlement of pension, provident fund and gratuity as applicable, in accordance with the Rules brought out under Article 309 of the Constitution of India.

17. It is noteworthy to mention here that in the aforesaid decision the Supreme Court held that the aided school teachers are entitled to some of the conditions to service as are applicable to the government teachers in accordance with the rules brought out under Article 309 of the Constitution of India whereas in the cases at hand there is no such rules which have been framed in the said provisions of the Constitution.

18. Having considered the entire facts and circumstances of the case, this Court is of the considered view that in absence of particular rules, the State cannot be directed to make rules by extending the pensionary benefits to the retired teachers/ employees of the aided schools at par



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with the teachers/ employees of the State Government.

19. In the result, all the petitions sans substratum, are liable to be and are hereby **dismissed**. No order as to cost(s).”

- 6.** Taking into consideration the above facts and the law laid down in the matter of **Ashok Kumar Hazra** (supra), this petition fails and is hereby **dismissed** at admission stage.

Sd/-

(Rakesh Mohan Pandey)
Judge

Aj i n k y a