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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2757 of 2023

Judgment Reserved On : 27.01.2026.

Judgment Delivered On : 28.02.2026.

1 - Rekhrum Nidhi S/o Late Jhansketan Nidhi Aged About 42 Years
Presently Posted And Working As Assistant Teacher, Govt. Primary
School, Usaripani, Block And Tehsil - Deobhog, District :
Gariyabandh, Chhattisgarh.

2 - Budhrum Dhurva S/o Late Rajim Dhurva Aged About 49 Years
Presently Posted And Working As Assistant Teacher, Govt. Primary
School, Sargibahli, Block And Tehsil - Deobhog, District :
Gariyabandh, Chhattisgarh.

3 - Antoram Dhurv S/o Late Moti Ram Dhruv Aged About 44 Years
Presently Posted And Working As Assistant Teacher, Govt. Primary
School, Kendupara, Block And Tehsil - Deobhog, District :
Gariyabandh, Chhattisgarh.

... Petitioners.

Versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of
School Education Mantralaya, Mahanadi Bhawan, Nawa Raipur,

Atal Nagar, District : Raipur, Chhattisgarh.

2 - Secretary Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh.

3 - Director Directorate Of Public Instructions, Indrawati Bhawan, Nawa Raipur, Atal Nagar, District : Raipur, Chhattisgarh.

4 - Collector Gariaband, District : Gariyabandh, Chhattisgarh.

5 - Chief Executive Officer Jila Panchayat, Gariaband, District : Gariyabandh, Chhattisgarh.

6 - District Education Officer Gariaband, District : Gariyaband, Chhattisgarh.

7 - Chief Executive Officer Janpad Panchayat, Deobhog, District : Gariyabandh, Chhattisgarh.

8 - Block Education Officer Block - Deobhog, District : Gariyaband, Chhattisgarh.

... Respondents.

For Petitioners	:	Shri Pawan Shrivastava, Advocate.
For State/Respondents	:	Shri Anway Tiwari, PL.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition, petitioners are challenging the order dated 31.10.2022 passed by the District Education Officer, District Gariyaband, Chhattisgarh by which, name of the petitioners has not been considered for promotion on the post of Head Master, Primary School, whereas, name of juniors to the petitioners have been considered. The petitioners are also challenging the inaction on the part of respondents in not granting time bound pay scale to them after completion of 10-20 years of service on the same post.

2. The petitioners are praying for the following reliefs:-

10.1 That, Hon'ble Court may kindly be pleased to direct the respondents to produce the entire records relating to the case of the Petitioner's.

10.2 That, Hon'ble Court may kindly be pleased to issue a Writ in the nature of Certiorari/Mandamus and direct the respondents to consider their case for promotion on the post of Head Master, Primary School, from the date when the others and juniors have been promoted i.e. from 31.10.2022, with all consequential benefits.

10.3 That, Hon'ble Court may kindly be pleased to direct the respondents to place the seniority of petitioner's over and above their juniors.

10.4 That, Hon'ble Court may kindly be pleased to direct the respondents to grant time bound pay scale for which they have been eligible after completion of 10 and 20 years of services on the same post.

10.5 That, any other relief which this Hon'ble Court deems fit any proper in the facts and circumstances of the case.

3. The facts briefly stated are that the petitioners were initially appointed as Shiksha Karmi Grade-3 for a probation period of 3 years in the erstwhile Madhya Pradesh State and their service was governed from the Madhya Pradesh Panchayat Siksha Karmi (Recruitment and Service Condition) Rules, 1997 (hereinafter referred as Rules). After formation of State of Chhattisgarh, the services of the petitioners have been placed under the respondent no.2 and control of respondent no.7 and after completion of probation period, their services have been regularized. The details of the petitioners are mentioned as follows:

S. No.	Name of Petitioner	Date of appointment	Post
1.	Rekhram Nidhi	30.07.1999	Shiksha Karmi Grade-3
2.	Budhram Dhurva	02.01.1999	Shiksha Karmi Grade-3
3.	Antoram Dhruv	13.06.2005	Shiksha Karmi Grade-3

4. Subsequently, vide order dated 10.08.2018, services of the petitioners have been absorbed as Assistant Teacher (L.B.) E-Category in the School Education Department under the respondent no.1 and control of respondent no.6 and 8. Respondent no.6 has prepared seniority list of Assistant Teacher (L.B.) E-Category and published as on 01.04.2022 and vide its letter dated-18.10.2022 it has been directed to the concerned Block Education Officer to publish the said list in their office for information of concerned teachers. In the seniority list published as on 01.04.2022, the name of petitioners are shown at Sl. No. 89, 41 and 128, respectively. Thereafter, on consideration of seniority-cum-merit, on the basis of seniority list published as on 01.04.2022, the respondent no.6 has issued impugned order dated-31.10.2022, whereby, total 170 Assistant Teacher (L.B.) E-

Category have been promoted on the post of Head Master, Primary School. When the matter was inquired by the petitioners then it came to their knowledge that, the name of their junior's have been considered and they have been promoted on the post of Head Master, but the name of petitioners have not been considered without assigning any reason, whereas, the petitioners having all requisite qualification for the post of Head Master, Primary School. Thereafter, the petitioners submitted their representation before respondents authorities but they refused to take the same and therefore the petitioner sent the same through registered post, but till date no action has been taken nor any response has been given to the petitioners and the same is pending for consideration. The petitioner no.1 and 2 have been completed almost 24 years and petitioner no.3 have been completed 17 years of their services on the same post but they have not been granted 'Time Bound Pay Scale' without any reasons and therefore, the Petitioners have been deprived of the promotion as well as Time Bound Pay Scale without assigning any reason, moreover, no departmental inquiry etc. is pending against the Petitioners and the criteria for promotion is seniority cum merit. The actions of the respondents are against the service rules of petitioners and

rules of promotion applicable upon petitioners, and thus the same is illegal, arbitrary and with malafide intention and therefore the same is bad in law. Hence this petition.

5. Learned counsel for the petitioners submits that action of the respondents is illegal, arbitrary, malafide and against the promotion rules and violative of Article 14, 16 and 19 of the Constitution of India. He submits that petitioners are working on the same post since 1999 and 2005, though they are having prescribed qualification for the post of Head Master, Primary School and in the absence of promotion, no time bound pay scale has been granted to the petitioners. Learned counsel submits that respondents have not considered the fact that the criteria for promotion is seniority-cum-merit and therefore, petitioners being senior ought to have been promoted before their juniors. It is also noteworthy that no departmental enquiry is pending against the petitioners nor any adverse entry has been made in their respect in the service record. He further submits that petitioners have filed representations before the respondent authorities but till date no action has been taken by the respondent authorities, therefore, the respondent authorities may be directed to consider the case of the petitioners for promotion on the post of Head Master, Primary School from the date when others

and their juniors have been promoted i.e. 31.10.2022 with all consequential benefits and also for grant of time bound pay scale.

6. On the other hand, learned State counsel would draw attention of this Court towards the return filed by the State and would submit that petitioners have not been granted promotion on the post of Head Master as they are coming under 'untrained category' in the service which is basic eligibility criteria for promotion as per column No.10 of Schedule III of C.G. School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019 (for short "Rules, 2019") and the petitioners are also not having requisite minimum educational qualification i.e. B.Ed, D.Ed./B.Lib as per Schedule I of Rules, 2019. Further, petitioner Nos.2 and 3 are also not BA pass. Learned State counsel further submits that after absorption of petitioners in the school education department dated 01.07.2018, their service cadre has been treated as Teacher (Local Body) and working on the post of Assistant Teacher (L.B.) and as per order dated 30.06.2018 issued by School Education Department, a decision has been taken with regard to grant of time bound pay scale to Teachers (L.B.) who have been absorbed from panchayat departments after 01.07.2018.

Thus, it is clear that the petitioners have not completed 10 year service with the school education department and as such, not entitled for grant of 1st time bound pay scale.

7. I have heard learned counsel for the parties and perused the material available with the petition.
8. From the perusal of pleadings made in the petition, it appears that earlier, the petitioners were working as Shiksha Karmi Grade -3 and were governed by Madhya Pradesh Panchayat Shiksha Karmi (Recruitment and Service Condition) Rules, 1997 and thereafter on 10.08.2018, an order was issued for their absorption and from 01.07.2018, services of the petitioners were accordingly absorbed in the School Education Department as Assistant Teacher (LB). Further, a decision has been taken by the School Education Department vide order dated 30.06.2018 (Annexure R/1) that from 01.07.2018, petitioners will be granted service benefits, however, their prior services will not be considered for grant of any of the service benefits which has been accepted by the petitioners and as such, the petitioners cannot claim any promotional benefits after their absorption stating that they should be considered for grant of promotion to the post of Head Master, Primary School when others have been promoted to the said post.

9. So far as the claim of the petitioners for grant of time bound pay scale is concerned, since the School Education Department vide order dated 30.06.2018 has categorically stated that petitioners will be granted service benefits from 01.07.2018 i.e. from the date of absorption and since from that date the petitioner have not completed their 10 years of service, they are not having any right to claim first time bound pay scale.

10. Moreover, the petitioners have accepted their absorption on the conditions enumerated in the order dated 30.06.2018. Now, after their absorption, they cannot deviate from the said fact and claim promotion, time bound pay scale as well as other service benefits going contrary to order dated 30.06.2018 in accordance of which their services were absorbed.

11. Considering the aforesaid aspect of the matter, claim of the petitioners cannot be accepted and accordingly, this Writ Petition being devoid of merits cannot be allowed and it is accordingly dismissed.

Sd/-

(Amitendra Kishore Prasad)
Judge

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
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