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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3254 of 2026**

Shrikrishna Prasad Kunwar S/o Late Vishwanath Kunwar Aged About 61 Years Working On The Post Of Headmaster (Middle School) Posted At Govt Middle School Sonpur (Su) Block Bhaiyathan Distt- Surajpur (C.G.)

... Petitioner**versus**

- 1** - State Of Chhattisgarh Through The Secretary Department Of School Education Mahanadi Bhawan Atal Nagar, Nava Raipur Distt- Raipur (C.G.)
- 2** - Director Directorate Of Public Education Indrawati Bhawan Atal Nagar Nava Raipur Distt- Raipur (C.G.)
- 3** - Commissioner Surguja Division Ambikapur Distt- Surguja (C.G.)
- 4** - Joint Director Divisional Level Committee Education Surguja Division Ambikapur Distt- Surguja (C.G.)
- 5** - Collector Surajpur Chairman Of District- Level Rationalization Committee Distt- Surajpur (C.G.)
- 6** - District Education Officer Surajpur Secretary Of District- Level Rationalization Committee Distt- Surajpur (C.G.)
- 7** - Block Education Officer Bhaiyathan Distt- Surjpur (C.G.)



8 - The Principal Govt High School Sonpur (Su) Block- Bhaiyathan Distt-Surajpur (C.G.)

... Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Mr. Vivek Verma, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

05.05.2026

1. Petitioner has filed this writ petition seeking following reliefs:-

“10.1 That, this Hon’ble Court may kindly be pleased to set aside of the impugned order dated 17.12.2026 passed by the respondent no. 2 Annexure P/1 and order dated 24.09.2025 passed by the respondent no. 4 Annexure P/9.

10.2 That, this Hon’ble Court may kindly be pleased to set aside of the entire rationalization process in respect of rationalization Govt. Middle School – Sonpur (Su), Block-Bhaiyathan, District Surajpur (C.G.) vide order dated 27.05.2025 Annexure P/2.

10.3 Any other relief or reliefs may also be granted to the petitioner which this Hon’ble Court deems fit and proper in the facts and circumstances of the case.”

2. Learned counsel for petitioner submits that the State Level Committee has rejected the representation submitted by petitioner against his transfer under the Rationalization Policy observing that petitioner has not approached the Divisional Level Committee. He submits that the petitioner has submitted representation before State Level Committee pursuant to the order passed by this Court. Considering the fact that



writ petition is filed against the order of Divisional Level Committee and petitioner is having a remedy to submit representation before State Level Committee, the writ petition was disposed of permitting petitioner to submit representation before State Level Committee constituted under the Rationalization Policy, therefore, the order is perse illegal and arbitrary.

3. Learned counsel for respondent- State do not dispute the factual submission made by learned counsel for petitioner.
4. Heard learned counsel for the respective parties and perused the record enclosed along with this writ petition.
5. Perusal of Annexure P-9 at page no. 43 of the writ petition would show that it is an order passed by Divisional Level Committee, Sarguja, Division Ambikapur dated 24.09.2024 wherein the Divisional Level Committee has considered the representation submitted by petitioner against the order of his transfer under the Rationalization Policy. Petitioner has filed Annexure P-10 also which is an order of High Court dated 07.11.2025 granting liberty to petitioner therein to submit representation before State Level Committee.
6. It is not in dispute from the submission made by learned counsel for petitioner that from the order impugned Annexure P-1 as also the policy formulated by the State Government the State Government has constituted three tier committees i.e. District Level Committee, Divisional Level Committee and State Level Committee to consider the grievance of the employees who are aggrieved by their transfer/posting under the Rationalization Policy.



7. In the case at hand, petitioner has earlier approached before Divisional Level Committee wherein the representation submitted by petitioner was rejected. Even if for any reason, an employee could not have approached the Divisional Level Committee but then if there is an order of High Court to submit representation before the State Level Committee then it is the State Level Committee headed by Director Public Instructions to comply with the directions issued by the High court and to consider the representation if submitted by the said employee on merits and could not have dismissed at technical grounds stating that the petitioner has not approached the Divisional Level Committee. If the State is aggrieved by the order passed by this Court then he could have filed appropriate proceedings challenging questioning the same.
8. Rejection of the application/ representation by the State Level Committee appears to be in contravention of the order. However, petitioner has filed this writ petition seeking redressal of the grievance, and therefore, the matter is remitted back to State Level Committee headed by Director Public Instructions to consider and decide the representation submitted by petitioner on merits.
9. It is for the State counsel to inform the Director Public Instructions who is head of the Committee to consider the representation submitted by petitioner on merits forthwith. It is further directed that, after receipt of the information about the Order, Director Public Instructions head of State Level Committee shall take decision under the Rationalization Policy, in accordance with law, expeditiously, preferably within a further period of two weeks thereafter.



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10. Petitioner will also be at liberty to forward the copy of this order before the State Level Committee for disposal of his representation.

Certified copy as per rules.

sd/-

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(Parth Prateem Sahu)

Judge