



2026:CGHC:17742



2026:CGHC:17742

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3374 of 2026**

1 - Goverdhan Lal Dewangan S/o Shri Dev Lal Dewangan Aged About 54 Years R/o Ward No.-02, Bazar Para, Bhanupratappur, District Uttar Bastar Kanker (C.G.)

2 - Surendra Kumar Lakra S/o Shri Stanislas Lakra Aged About 50 Years R/o 149, Bartoli, Pharsabahar, District Jashpur (C.G.)

3 - Alok Trivedi S/o Late K S Trivedi Aged About 56 Years Karamchari Colony, Ward No. 01, Bhanupratappur, District Uttar Bastar Kanker (C.G.)

4 - Virendra Kumar Rawte S/o Shri Amarsingh Rawte Aged About 51 Years R/o 96/1, Nayapara, Ward-06, Bhirawahi, Hathkondal, Bhanupratappur, District Uttar Bastar Kanker (C.G.)

5 - Shankar Lal Tandiya S/o Shri Asharam Tandiya Aged About 56 Years R/o 01 Dogri Para Ward No. 12 Bhanupratappur, District Uttar Bastar Kanker (C.G.)

6 - Narayan Singh Baghel S/o Shri Satau Ram Baghel Aged About 58



Years R/o Sanjay Para, Bhanupratappur, District Uttar Bastar Kanker
(C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur,
District Raipur (C.G.)

2 - The Director Public Instruction Indravati Bhawan, Atal Nagar, Naya
Raipur, District- Raipur (C.G.)

... Respondent(s)

For Petitioner(s) : Ms. Sonia Kuldeep, Advocate

For Respondent(s) : Mr. Vivek Verma, G.A.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

20/04/2026

1. The petitioner has filed this writ petition praying for the following
reliefs:

*10.1 To kindly issue an appropriate writ,
order or direction directing the respondents
to consider and decide the claim of the
petitioners for counting their past services
rendered as Shikshakarmis towards
qualifying service for pensionary benefits,
in accordance with law, within a stipulated
time frame;*

*10.2 To kindly issue an appropriate writ,
order or direction directing the respondents*



to treat the entire service of the petitioners from the date of their initial appointment as qualifying service for the purpose of pension under the applicable Pension Rules;

10.3 To kindly issue an appropriate writ, order or direction directing the respondents to extend the benefit of the Old Pension Scheme to the petitioners by taking into account their initial date of appointment, along with all consequential benefits;

10.4 To kindly issue an appropriate writ, order or direction directing the respondents to grant all consequential pensionary benefits, including fixation of pension, arrears and other retiral dues, by counting the past service of the petitioners.

10.5 To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that the case of the petitioners are covered with the decision in case of Rajendra Prasad Patel and Others Vs. State of C.G. and Others in WPS No. 777 of 2021. She also contended that in that decision the Court has directed the respondent authorities to consider and take decision on the claim of the petitioners therein and therefore similar directions may be issued in this case also.
3. Counsel for the State submits that in view of the limited prayer, he is having no objection.
4. I have heard learned counsel for the parties.



5. In the case of Rajendra Prasad Patel (supra), the co-ordinate Bench of this Court has disposed of the writ petition observing as under:-

43. In the present cases, this Court finds that the issue has not yet crystallised into a challenge against a definitive policy decision of the State. On the contrary, what emerges is an absence of a conscious, categorical and final executive determination on the core issue of reckonable service for pension in respect of employees like the petitioners. In such circumstances, any attempt by this Court to conclusively determine whether the service rendered prior to absorption must or must not be counted for pension would amount to pre-empting executive discretion and venturing into policy formulation.

44. At the same time, it cannot be lost sight of that pension is a welfare measure and a form of deferred compensation, and the long years of service rendered by the petitioners prior to absorption cannot be brushed aside as irrelevant. The fact that several petitioners would otherwise be required to complete ten years of service from 01.07.2018, thereby becoming eligible for pension only after 01.07.2028, despite having already rendered more than a decade of service under State control, raises issues of fairness, proportionality and administrative reasonableness, which are matters requiring due consideration at the policy level.

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 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. In the aforementioned facts of the case and the directions already issued by the co-ordinate Bench of this Court in case of Rajendra Prasad Patel (supra) this writ petition is disposed of in terms of the decision made in the case of Rajendra Prasad Patel (supra).

Sd/-

(Parth Prateem Sahu)

JUDGE