



2026:CGHC:24587-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 477 of 2026**

1 - Ku. Shakuntala Rathore D/o Late Harishankar Rathore Aged About 58 Years Presently Working As Lecturer Commerce Government Higher Secondary School Dashrangpur, Block And District Mungeli Chhattisgarh

2 - Smt. Krishna Devi Sahu W/o Shri Hemant Kumar Sahu Aged About 39 Years Presently Working As Lecturer Commerce Government Higher Secondary Kona, Block And District Mungeli Chhattisgarh

... appellant(s)**versus**

1 - State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh

2 - Director Directorate Of Public Instruction Indravati Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - Commissioner Division Bilaspur Chhattisgarh

4 - Joint Director Education Division Bilaspur Chhattisgarh

5 - Collector District Janjgir-Champa Chhattisgarh

6 - Collector District Mungeli Chhattisgarh

7 - District Education Officer District Janjgir-Champa Chhattisgarh

8 - District Education Officer District Mungeli Chhattisgarh

... Respondent(s)

For appellant (s) : Mr. Sunil Kumar Soni, Advocate

For Respondent(s) : Mr. Prasun Bhaduri, Dy. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

18.06.2026

1. Heard Mr. Sunil Kumar Soni, Advocate, appearing for the learned counsel for the appellant as well as Mr. Prasun Bhaduri, Dy. Advocate General in the present writ appeal.
2. The present writ appeal has been filed by the writ appellant against the order dated 11.03.2026 passed by learned Single Judge in WPS No. 2337/2026 whereby the writ petition filed by the writ petitioners is dismissed. Thereafter, the appellants prefer the instant appeal before this Court with the following relief:-

“1. That, this Hon'ble Court Pleased to Allow the Writ Appeal & Pleased to Decide the Grievance of the Appellant.

2. That, this Hon'ble Court Pleased to Set aside the Order Dated 11.03.2026 Passed by the Hon'ble Single Bench in Writ Petition (S) No.2337/2026 (ANNEXURE-A/1).

3. Any other Order or Orders or Direction or Relief Just and Proper may also be granted.”

3. The brief facts of the case are that, the appellants, while serving as Lecturers (Commerce) at Government Higher Secondary School, Sivani, Block Nawagarh, District Janjgir-Champa, were declared excess and transferred to Government Higher Secondary School, Dasrangpur, District Mungeli and Government Higher Secondary School, Kona, District Mungeli, respectively, by order dated 07.06.2025 issued under the State Government's Rationalization Scheme.

Aggrieved by their declaration as excess, the appellants submitted several representations before the competent authorities, including the Director and Divisional Commissioner, and were subsequently called for hearing by the Director on 08.08.2025. They consistently contended that the Commerce Faculty in their parent institution had not been properly reflected in official records and that vacant posts of Commerce Lecturers were available within the district, rendering their declaration as excess arbitrary and contrary to the object of rationalization. Despite repeated representations and communications from the school authorities regarding the need for Commerce Faculty, their claims were rejected by orders dated 25.09.2025 without assigning cogent reasons. The appellants further alleged discrimination, pointing out that similarly situated teachers were granted reconsideration, de novo counselling, and relief by the authorities, whereas their cases were rejected through non-speaking and contradictory orders. They also relied upon vacancy position records and subsequent orders passed in favour of other teachers to demonstrate unequal treatment and arbitrary exercise of power. Challenging the rejection orders, the appellants initially approached this Court in WPS No. 1375 of 2026, which was disposed of with liberty to challenge the decision dated 17.12.2025 of the State Level Committee. According to the appellants, the said decision was never communicated to them and was supplied only during the course of proceedings. Thereafter, the writ petition challenging the orders dated 25.09.2025 and 17.12.2025 came to be dismissed by the learned Single Judge on 11.03.2026. The appellants contend that both the orders of the State Level Committee and the learned Single Judge failed to consider the material facts on record, ignored the absence of

reasons in the impugned orders, and resulted in grave prejudice to their service prospects, thereby necessitating the present writ appeal.

4. Learned counsel for the appellants submits that the appellants, who were serving as Lecturers (Commerce) at Government Higher Secondary School, Sivani, Block Nawagarh, District Janjgir-Champa, were declared excess and transferred to Government Higher Secondary School, Dasrangpur and Government Higher Secondary School, Kona, District Mungeli under the rationalization process. It is contended that the very basis of treating the appellants as excess is erroneous, as all schools having vacancies for Commerce Lecturers within District Janjgir-Champa were not reflected during the counselling process, thereby depriving the appellants of a fair opportunity to exercise their option and causing serious prejudice to them. Learned counsel further submits that in several schools within the district, two Commerce Lecturers have been posted against a single sanctioned post, demonstrating that the rationalization exercise has not been carried out in accordance with the policy framed by the State Government. It is argued that these material aspects were specifically raised before the authorities but were neither properly examined nor adjudicated by the State Level Committee. It is further contended that the orders rejecting the appellants' representations are non-speaking and devoid of reasons, despite the settled principle that recording of reasons is an indispensable facet of fairness, transparency and natural justice. In support of his submission he would rely upon the judgment of the Hon'ble Supreme Court in *Union of India & Others v. Jai Prakash Singh & Another*, AIR 2007 SC 1363, wherein it has been held that reasons are the live link between the decision-maker and the

conclusion arrived at, and that failure to assign reasons amounts to denial of justice. It is thus submitted that the impugned orders, having been passed without due consideration of the appellants' grievances and without assigning cogent reasons, are arbitrary, unsustainable in law and liable to be set aside.

5. Learned State counsel, opposing the submissions made by learned counsel on behalf of the appellants, submits that the impugned transfer orders have been issued strictly in accordance with the Rationalization Policy framed by the State Government. It is contended that Clause 7(c)(2) of the policy specifically provides that where no students are admitted in a particular stream in a Higher Secondary School, the teachers of that stream shall be accommodated in schools where students of the concerned stream are actually pursuing their studies. In the present case, it is undisputed that there were no students enrolled in the Commerce stream at Government Higher Secondary School, Sivani, and therefore the appellants were rightly declared surplus and posted to schools where Commerce students were available. Learned State counsel further submits that the policy envisages preferential consideration to senior teachers during the counselling process for posting at nearby places and, accordingly, eligible senior teachers were accommodated within the district first. Thereafter, the remaining surplus teachers, including the appellants, were considered at the divisional level counselling and were allotted posts in accordance with the available vacancies. It is thus argued that the entire process was undertaken in conformity with the policy guidelines, without any arbitrariness or procedural irregularity, and that the State Level Committee, after due consideration of the appellants' grievances, found

no merit in their claim. Hence, the impugned orders are legal, justified and do not warrant any interference by this Court.

6. We have heard learned counsel for the parties and perused the material annexed with the appeal as well as petition.
7. After considering the submissions made by learned counsel for the parties and perusal of the documents on record, we are going through the judgment passed by learned Single Judge, in which the learned Single Judge has observed that :-

“5. Petitioners have submitted representation, copy of which is placed in record at page no. 16 which is also read by counsel of petitioners in support of his contention. Though in the representation there is mention that in some schools two lecturers of commerce against one sanction post is posted however, schools have not been specifically named therein. It appears that ground raised in the representation is vague, without any specification and particulars so as to identify the said schools.

6. It is also not disputed by the learned counsel for petitioner that in the schools in which petitioners were earlier posted, number of students admitted and prosecuting their studies in commerce stream is nill. According to policy formulated by the State Govt. under clause 7(c)(2) it is specifically provided that if there is no students in particular stream then the lecturers are to be posted in the higher secondary school where such students are available and prosecuting their studies.

7. It is also not the case of petitioners that in the schools where petitioners were posted, students of commerce stream are not available and prosecuting their studies.

8. In the aforementioned facts of the case, I do not find any error in the posting of first petitioner at Govt. Higher Secondary School, Dasgrangpur, block and District Mungeli and second petitioner at Govt. Higher Secondary School, Kona Block, District Mungeli.

9. Accordingly, this petition being devoid of substance is liable to be and is hereby dismissed. No order as to cost(s).

- 8.** It is not in dispute that at the relevant point of time no students were enrolled in the Commerce stream at Government Higher Secondary School, Sivani, where the appellants were posted. Clause 7(c)(2) of the Rationalization Policy specifically contemplates adjustment of teachers of a particular stream in schools where students of that stream are available, with a view to ensure optimum utilization of teaching staff. The material placed on record demonstrates that the appellants were declared surplus and subsequently posted pursuant to the process undertaken under the Rationalization Policy and after counselling conducted by the competent authorities. Merely because the appellants were desirous of being accommodated at another place of their choice or within the district would not confer upon them a vested right to claim posting at a particular station. The allegations regarding availability of vacancies and discriminatory treatment have neither been substantiated by cogent material nor do they establish that any person identically situated and governed by the same set of circumstances was granted relief in violation of the policy. The decision

of the State Level Committee reflects consideration of the appellants' grievances and the record does not disclose any procedural irregularity, mala fides or arbitrariness in the decision-making process. Since transfer and adjustment of employees in the course of rationalization are matters falling within the administrative domain of the employer, judicial review is limited to examining the legality of the process and not the merits of the decision itself. In the absence of any palpable infirmity or perversity, this Court is of the considered opinion that the learned Single Judge rightly declined to interfere with the impugned orders.

9. Thus, considering the submissions made by learned counsel for the parties and the aforesaid facts and circumstances of the case and the finding recorded by the learned Single Judge, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.
10. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed. No cost(s)..

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice