



2026:CGHC:15254

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4112 of 2021**

- 1** - Smt. Reena Dutta W/o Dr. Sushil Dutta Aged About 54 Years Posted At Middle School Dharmaur, Tahsil Tokapal, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
- 2** - Mangluram Nag S/o Shri Bsudev Nag Aged About 54 Years Posted At Middle School Dharampur, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
- 3** - R.D. Joshi S/o Late Dashrath Joshi Aged About 51 Years Posted At Middle School Dharampur, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
- 4** - Smt. Bindu Pandey W/o Birendra Pandey Aged About 48 Years Posted At Middle School Birigpal, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
- 5** - Smt. Sarita Pandey W/o Gayaprasad Pandey Aged About 56 Years Posted At Middle School M.L.B. Jagdalpur, Tahsil Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
- 6** - Bhagendra Prasad Panigrahi S/o Late Balram Panigrahi Aged About 53 Years Posted At Middle School Nangur, Tahsil Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
- 7** - Rajendra Prakash Thakur S/o B.S. Thakur Aged About 53 Years Posted At Middle School Aina, Tahsil Bakawand, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

8 - Rajendra Prasad Pandey S/o Late Bhavograhi Pandey Aged About 54 Years
 Posted At Middle School Bademorathpal, Tahsil Tokapal, District Bastar
 Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

9 - Sanjay Mishra S/o Late Harikrishna Mishra Aged About 53 Years Posted At
 Middle School Nadibodna, Tahsil Jagdalpur, District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh

10 - Smt. Akbari Ali @ Yasmin Netam W/o Birendra Negam Aged About 51 Years
 Posted At Middle School Dharampura, Tahsil Jagdalpur, District Bastar
 Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

11 - Smt. Geeta Pandey W/o Ashwani Pandey Aged About 42 Years Posted At
 Middle School Rajpur, Tahsil Tokapal, District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh

12 - Santosh Kumar Ogle S/o Late M.R. Netam Aged About 47 Years Posted At
 Middle School Pandanar, Tahsil Tokapal, District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh

13 - B.R. Neetam S/o Seetaram Netam Aged About 48 Years Posted At Middle
 School Sonpur, Tahsil Bastar, District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh

14 - Rakesh Khapade S/o Roshanlal Aged About 47 Years Posted At Middle School
 Mardum, Tahsil Lohandiguda, District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh

15 - Rajnikant Maru S/o P. L. Maru Aged About 48 Years Posted At Middle School
 Kawapal, Tahsil Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur),
 Chhattisgarh

16 - Mahesh Rathore S/o Late Thakur Singh Aged About 46 Years Posted At Middle
 School Besoli, Tahsil Bakawand, District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh

17 - Subadhan Kashyap S/o S. R. Kashyap Aged About 48 Years Posted At Middle
 School Satlavand, Tahsil Bastar, District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh

18 - Mansai Manavi S/o Ghasiram Aged About 53 Years Posted At Middle School Badanji, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

19 - Sudarshan Kashyap S/o Late Laxman Kashyap Aged About 53 Years Posted At Middle School Shivngoda, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

20 - Maniram Kashyap S/o Urso Ram Aged About 48 Years Posted At Middle School Litiguda, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

21 - Birendra Panigrahi S/o Late Hariprasad Panigrahi Aged About 53 Years Posted At Middle School Goriguda, Guriya, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

22 - Umesh Panigrahi S/o Sarangdhar Panigrahi Aged About 53 Years Posted At Middle School Sudhapal, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

23 - Vishwanath Joshi S/o Jeevnath Joshi Aged About 49 Years Posted At Middle School Barda, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

24 - Motilal Sori S/o Amr Singh Sori Aged About 52 Years Posted At Middle School Badevra, Tahsil Bakawand, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

25 - Hemant Kumar Dewangan S/o Sambhunath Dewangan Aged About 53 Years Posted At Middle School Beda Umargaon, Tahsil Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

26 - Ashok Pandey S/o Late Nirakar Pandey Aged About 53 Years Posted At Middle School Dharampura, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

27 - Anup Kumar Bose S/o Shri B.C. Bose Aged About 53 Years Posted At Middle School Dharampura, Tahsil Bastar, District Bastar Chhattisgarh., District :

Bastar(Jagdalpur),

Chhattisgarh

28 - Kavinath Pandey S/o Ratnakar Pandey Aged About 52 Years Posted At Middle School Gudrapara, Raikot Tahsil Tokapal, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

29 - Anil Kumar Sedhiya S/o Kamalsingh Sedhiya Aged About 45 Years Posted At Middle School Khamesriara, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

30 - G.S. Mahawar S/o Anandilal Mahawar Aged About 53 Years Posted At Middle School Pidhapur, Tahsil Bakawand, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

31 - Parmanand Pandey S/o Late Neelbihari Pandey Aged About 58 Years Posted At High School Mumhali, Tahsil Bastar, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Tribal And Scheduled Caste Development, Mahanadi Bhawan Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The Commissioner Tribal And Scheduled Caste Development Department, Indirawati Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - Collector (Tribal Development) District Bastar Jagdalpur Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

4 - The Assistant Commissioner Tribal Development Department District Bastar Jagdalpur Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

5 - Smt. K. Hirwani Posted At Govt. Higher Secondary School Dhanpunji Block Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

6 - S. D. Das Vishwas Posted At Govt. High School Hatkachora, Block Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

... Respondent(s)

(Cause Title is taken from Case Information System)

For Petitioner/s	:	Shri Shashi Kumar Kushwaha, Advocate holding the brief of Shri Ajay Shrivastava, Advocate.
For Respondent/ State	:	Shri Anil S. Pandey, G.A.
For Respondent No.6	:	Shri Mayank Chandrakar, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

02.04.2026

1. The petitioners have filed this petition seeking the following reliefs:

“(i) That, this Hon'ble Court may kindly be pleased to quash impugned order dated 09.12.2020 (Annexure P-1) and direct the respondent authorities to consider and grant promotion on the post of Lecturer w.e.f. 02.02.2014 with all consequential benefit, as earliest, in the interest of justice.

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

2. Learned counsel for the petitioners would submit that the petitioners were appointed as Upper Division Teachers and were subsequently, promoted to the post of Head Master (Middle School) vide order dated 31.8.2013. The petitioners joined on the promoted post. Some of the promotees failed to join the services and as per one of the conditions mentioned in the order of promotion, they were not entitled to the higher pay-scale. He would submit that the private respondents, namely respondents No.5 & 6, who did not join on the post of Head Master (Middle School), were subsequently promoted to the post of Lecturer vide order dated 2.2.2014. It is also argued that the private respondents are juniors to the petitioners and they have been considered for promotion to the post of Lecturer. He would submit that

a direction may be issued to the respondent authorities to consider the names of the petitioners for promotion to the post of Lecturers. He would further submit that WP(S) No. 895 of 2015 was filed claiming therein promotion and the said petition was disposed of vide order dated 6.2.2017 with a direction to the respondent authorities to decide the representation within a period of three months. He would also submit that a representation was made and same has been rejected vide order dated 9.12.2020. He would pray to quash the said order.

3. On the other hand, learned counsel for the respondents would oppose the submissions made by counsel for the petitioners. They would submit that the private respondents were promoted to the post of Lecturer on 2.2.2014 whereas, the petitioners filed this petition in the year 2021 seeking parity with the private respondents. They would submit that the writ petition is hit by the principles of delay and laches and the petitioners failed to explain the cause of delay properly.
4. I have heard learned counsel for parties and perused the documents available on record.
5. It appears that earlier WP(S) No. 895 of 2015 was filed, which was disposed of reserving liberty in favour of the petitioners to make a representation before the respondent authorities with a direction to the State to decide the same preferably within a period of three months. The representation made by the petitioners was rejected vide order dated 9.12.2020 on the ground that according to the service rules of Tribal Department, the Feeder Cadre for the post of Lecturer consists of Upper Division Teachers/ Head Master (Primary School) with B.Ed/D.Ed/B.T.I. qualification. Further, according to Circular dated

5.3.2019 issued by the School Education Department, the Feeder Cadre for the post of Lecturer includes trained postgraduate Teachers/ Head Master (Primary School). Accordingly, it was held that the post of Head Master (Middle School) is not a feeder cadre for promotion to the post of Lecturer. The petitioners have failed to demonstrate that according to service rules they are entitled for promotion to the post of Lecturer. Further, the petitioners failed to explain the delay part as the private respondents were promoted in the year 2014, whereas the present petition has been filed in the year 2021.

6. The Hon'ble Supreme Court in the matter of ***C. Jacob v. Director of Geology and Mining and others*** reported in ***(2008) 10 SCC 115*** in para 11 held as under :-

“11. When a decision is issued by a court/tribunal to consider or deal with the representation, usually the directee (person directed) examines the matter on merits, being under the impression that failure to do so may amount to disobedience. When an order is passed considering and rejecting the claim or representation, in compliance with direction of the court or tribunal, such an order does not revive the stale claim, nor amount to some kind of “acknowledgement of a jural relationship” to give rise to a fresh cause of action.”

7. The Hon'ble Supreme Court in the matter of ***Union of India and others v. Tarsem Singh*** reported in ***(2008) 8 SCC 652*** summarized the settled principles in the following manner:-

“7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is

based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

8. Taking into consideration the above-discussed facts and the law laid down by the Hon’ble Supreme Court, this petition is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
Judge