



2026:CGHC:14821



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2424 of 2021

1 - Hemant Singh Thakur S/o Shri P.S. Thakur Aged About 57 Years Working As P.T.I., Govt. Nutan Higher Secondary School, Dhamtari, R/o Shraddha Nagar, Infront Of Ama Talab, Ambedkar Ward, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

2 - Rikhiram Shrivastava S/o Shri Bisahu Ram Shrivastava Aged About 61 Years Working As Principal, Govt. Nutan Higher Secondary School, Dhamtari, R/o Ama Talab Road, Near Puja Kirana Stores, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

3 - Rajkumar Sahu S/o Late Jagdish Ram Sahu Aged About 59 Years Working As Lecturer, Govt. Nutan Higher Secondary School, Dhamtari, R/o Near By Laxmi Niwas, Rudri Road, Gokulpur, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

4 - Snehchand Khristi S/o Late Chandrakant Khristi Aged About 54 Years Working As Upper Division Teacher, Govt. Nutan Higher Secondary School, Dhamtari, R/o Sneh Chhaya, Jodhapur Ward, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

5 - Seema Dhorpade S/o Bhagwant Rao Deshmukh Aged About 58 Years Working As Upper Division Teacher, Govt. Nutan Higher Secondary School, Dhamtari, R/o Kuwa No. 18, Basnpara, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

6 - Navita Goswami S/o Shri O.P. Goswami Aged About 51 Years Working As Assistant Teacher, Govt. Nutan Higher Secondary School, Dhamtari, R/o Goswami Niwas, Puja Provision Gali, Gaurav Path, Ama Talab Road, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

7 - Bharat Ram Dhruv S/o Late Shri Ramnath Dhruv Aged About 55 Years Working As Peon, Govt. Nutan Higher Secondary School, Dhamtari, R/o Bharat Ram Dhruv, Gram Panchayat Bhoyana, Post Achhota, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

**Chhattisgarh**

8 - Mohanlal Prajapati S/o Late Shri Chhoturam Aged About 47 Years Working As Peon, Govt. Nutan Higher Secondary School, Dhamtari, R/o Kumhar Para Shiv Mandir Ward, Bramhanpara, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

9 - Smt. Vandana Babar W/o Shri Mahendra Rao Babar Aged About 62 Years Working As Principal, Dani Marathi Higher Secondary School, Dhamtari, R/o Maratha Para, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

10 - Sudhir Rao Gaikwad S/o Late Jaisingh Rao Gaikwad, Working As Upper Division Teacher, Dani Marathi Higher Secondary School, Dhamtari, R/o Gaikwad Niwas, Rampur Ward, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

11 - Prakash Rao Pawar S/o Late Shri Shyam Rao Pawar Aged About 53 Years Working As Upper Division Teacher, Dani Marathi Higher Secondary School, Dhamtari, R/o Master Line, District Hospital Road, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

12 - Basant Kumar Dewangan S/o Late Gokul Dewangan Aged About 57 Years Working As Assistant Teacher (Science), Dani Marathi Higher Secondary School, Dhamtari, R/o Shanti Chowk, Sorid Nagar, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

13 - Smt. Krishna Soni W/o Rajesh Soni Aged About 50 Years Working As Assistant Teacher, Aryagirls Primary School, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

14 - Smt. Rama Tiwari Wd./o Late Pradeep Tiwari Aged About 61 Years Working As Assistant Teacher, Arya Girls Primary School, Dhamtari, R/o Rudri Road, Rampur Ward, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

15 - Smt. Shama Masih W/o Shri Manish Kumar Masih Aged About 55 Years Working As Assistant Teacher, Menonite Primary School, Dhamtari, District Dhamtari, R/o Dak Bangla Ward, Dhamtari, District - Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Principal Secretary, School Education Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh



2 - State Of Chhattisgarh Through Principal Secretary, Finance Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

3 - State Of Chhattisgarh Through The Principal Secretary, General Administration Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

--- Respondent(s)

WITH

WPS No. 5224 of 2021

1 - Dhananjay Gayakwad S/o Shri Krishna Rao Gayakwad Aged About 65 Years Retd. Upper Division Teacher, Govt. Nutan Higher Middle School Dhamtari Block Dhamtari R/o Near Govt. Boy School Rampur Ward Dhamtari District Dhamtari Chhattisgarh

2 - Nahemyah Bhothar S/o Shri Ghurau Ram Aged About 75 Years Retd. Peon In School Menonite Primary School Dhamtari Block Dhamtari R/o Dr. Bhelwa Gali, Tikrapara Dhamtari District Dhamtari Chhattisgarh

3 - Smt. S. L. Daulat W/o Late K. P. S. Martin Aged About 66 Years Retd. Assistant Teacher In Menonite Primary School Dhamtari R/o Risaipara Dhamtari District Dhamtari Chhattisgarh

4 - Smt. R. B. Lal D/o Late P. R. Bharos Aged About 63 Years Retd. Headmaster Menonite Primary School Dhamtari District Dhamtari R/o Bekan Niwas Tikrapara Bastar Road, Dhamtari District Dhamtari Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Principal Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh

2 - State Of Chhattisgarh Through The Principal Secretary, Finance Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh

3 - State Of Chhattisgarh Through The Principal Secretary, General Administrative Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh

--- Respondent(s)

**WITH****WPS No. 4383 of 2021**

- 1** - G.R. Sahu S/o Chamar Ray Aged About 71 Years R/o Block Churiya, Bholapur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
- 2** - Janakram Yadav S/o Chaituram Yadav Aged About 69 Years R/o Ward No. 6, Thethwar Para, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 3** - Jagannath Verma S/o Ram Lal Verma Aged About 68 Years R/o H.No. 00, Ward No. 11, Maharana Pratap Bhavan Ke Peeche, Shankar Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 4** - Dushyant Kumar Sharma S/o Sharda Prasad Aged About 71 Years R/o H.No. 31, Brahman Para, P.S.- Durg, Kotwali, Tehsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 5** - Ramesh Kumar Sonboir S/o Chain Das Sonboir Aged About 59 Years R/o 716, Gali No. 1, Ward No. 03, New Colony, Gayanagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 6** - T.D.V. Prasad S/o Late Shri T. Chandrashekhar Rao Aged About 63 Years R/o Lig- 292, Aditya Nagar, Durg, Tehsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 7** - Dhal Singh Hirwani S/o Subansh Lal Hirwani Aged About 67 Years R/o 15/k, Borsi Road, Behind S.B.I New Adarsh Nagar, Ward No. 52, Potiyakala, Durg, Tehsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 8** - Smt. Swarna Lata Agrawal W/o Chandra Kumar Agrawal Aged About 69 Years R/o 137, Ward No. 13, Arya Nagar, Durg, Tehsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---Petitioner(s)**Versus**

- 1** - State Of Chhattisgarh Through The Principal Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
- 2** - State Of Chhattisgarh Through The Principal Secretary, Finance Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh



3 - State Of Chhattisgarh Through The Principal Secretary, General Administration Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondent(s)

For Petitioners	:	Mr. H.B. Agrawal, Senior Advocate assisted by Mr. G.R. Sahu, Advocate and Mr. Shashi Kumar Kushwaha, Advocate
For State	:	Mr. Amandeep Singh, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

30.3.2026

- 1) Since all the petitions have been filed on the same issue, they are being considered and decided together by this common order. For the sake of convenience, the pleadings and documents of WPC No. 2424 of 2021 are being referred.
- 2) By these petitions, the petitioners who are retired Principal/ Lecturer/ UDT from the aided schools sought a direction towards the respondents to extend the benefit of pension at par with the teachers working in the government schools.
- 3) Case of the petitioners, as projected in the writ petitions, is that the petitioners are retired from the aided schools and their service conditions are governed by the provisions of the Madhya Pradesh Sikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (for short, "the Act of 1978"). Further contention of the petitioners is that their services are similar to the employees of the government schools and the government has also issued various circulars extending the



benefits to the employees of the aided schools at par with the government schools. According to the Rule 33 of the Revised Rules for Grant In Aid To Non-Government Educational Institutions, 1979 (for short, “the Rules, 1979”), all the aided institutions employees entitles for salary similar to the employees of the State Government. Despite the said fact, the respondent authorities are not extending the pensionary benefits to the petitioners.

- 4) Learned counsel would submit that the refusal to grant pension to the Petitioners, while extending it to (a) employees of Government schools, and (b) employees of other 100% aided private colleges, constitutes an arbitrary and hostile discrimination. The State is bound by Article 14 to act fairly, reasonably and without arbitrariness. When the statutory scheme mandates equivalence, and when circulars affirm the same, the State cannot depart from uniform treatment on grounds that are neither rational nor legally justifiable. Denial of pension to senior citizens who have devoted decades to public education strikes at the Petitioners' right to live with dignity, thereby offending Article 21. Learned counsel would also submit that the Petitioners, having served for decades, are left without any post-retiral support despite fulfilment of statutory obligations. Such denial does violence to principles of equity, fairness and good governance. The refusal to extend pension to Petitioners, despite granting it to employees of 100% aided private colleges,



constitutes an irrational and hostile discrimination. According to learned counsel, the petitioners and such employees form a homogeneous class governed by the same statutes. Learned counsel would next submit that the proposition that when the State complete financial responsibility for assumes an institution, its employees must be given benefits identical to Government employees. Learned counsel would lastly submit that denial of pension in the present case fails the "reasonable classification" test under Article 14.

- 5) Per contra, learned counsel appearing for the State would submit that the petitioners are the retired employees of the schools which are 100% grant in aid school and as the State is providing 100% grant in aid to the school of the petitioners, therefore, the petitioners are claiming for pension but the same is not permissible as the said school is neither a government school nor the petitioners are the government employees and thus the claim of the petitioners is baseless. Though the State is providing 100% grant in aid to the school of the petitioners but it does not mean that the petitioners will be entitled for pension as the aid is granted to such schools only for the purpose of proper management and smooth functioning of the schools. Learned counsel would submit that under the garb of grant in aid, the petitioners cannot claim for grant of pension. According to learned counsel earlier also demands were raised by the private aided schools and employees union for grant of pension for such



schools and after due consideration, the Department of School Education, Govt. of Chhattisgarh rejected such demands vide its letter dated 07/01/2009 & 05/02/2009 as there is no provision for providing pension to such private aided schools, therefore, the petitioners herein who are the retired employees of a private aided school, are not entitled for pension and thus the claim of the petitioners is baseless and the petitions deserve to be dismissed. He would also submit that the petitioners are retired teachers of private educational institution and they have failed to implead their employer as a party to the writ petition and as such, all the petitions deserve to be dismissed for non-joinder of necessary party. Moreover, in absence of any rule/regulation/scheme governing the field, the petitioners are not entitled to claim pension. He would lastly submit that the petitioners have filed the petitions after 2-3 years of their retirement. Therefore, on the ground of delay & laches alone, all the petitions deserve to be dismissed.

- 6) I have heard learned counsel for the parties and perused the documents.
- 7) The object of the Act of 1978 is to make provision for regulating payment of salaries to teachers and other employees of Non-Government Schools receiving grant-in-aid from the State Government and Non-Government Educational Institutions for Higher Education receiving grants from the Madhya Pradesh



Uchcha Shiksha Anudan Ayog and other matter ancillary thereto.

- 8)** For the sake of convenience, Rules 2(f)(i)(j) of the Rules, 1978 are quoted below :-

“(f) ‘Maintenance grant’ means grant payable to the Institution by the State Government or the Ayog as the case may be, for maintenance;

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(i) "Teacher" means a teacher of an institution in respect of whose employment maintenance grant is paid by the State Government or the Ayog, as the case may be, to the institutions and includes any other teacher employed, with the prior approval of the authority specified by the State Government in this behalf, in fulfilment of the conditions of recognition/ affiliation of an institution or of a new subject or a higher class or a new section in the existing class by the Madhya Pradesh Board of Secondary Education or any University or the Ayog, as the case may be, and shown on the pay roll of the institution against a post as being in the employment as such but does not include a teacher whose appointment is disapproved under clause (c) of section 6:

(j) "Salary" means the pay and dearness allowance for the time being payable to a teacher or an employee at the rate approved for the purpose of payment of maintenance grant ;”

- 9)** The said Act has subsequently been amended in the year 2000 (for short, “the amended Act 2000”). Rule 2(j) of the Amendment Act, 2000 reads thus :-

“(j) ‘salary’ means the salary and other allowances payable to a teacher or an employee at the rate as may be notified by the institution.”

- 10)** The State Government also revised the Rules for grant-in-aid to



Non-Government Educational Institutions in the name and style of Revised Rules for Grant-In-Aid. The said Rules have been framed with a view to provide assistance for non-Government effort in the field of education, a sum of money is annually set apart from the State funds to be expended as grant-in-aid for educational institutions under non-Government management. The State Government make the following Rules for regulating grant-in-aid. Rule 33 of the Revised Rules reads thus :-

“33. (i) The scales of pay of the teachers including the Head of the Institution, and other employees of an educational institution which is in receipt of Government grant shall be in accordance with those sanctioned for the corresponding categories of employees in Government educational institutions.

(ii) Appointments, qualifications of the teachers and other employees, payment of salaries and conditions of service shall be governed by the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetano Ka Sanday) Adhiniyam, 1978 and the rules made thereunder.”

- 11) Perusal of the aforesaid provisions, it is clear that as per the Rules, 1978 “Teacher” means of an institution in respect of whose employment maintenance grant is paid by the State Government whereas the “salary” means the pay and dearness allowance for the time being payable to a teacher or an employee at the rate approved for the purpose of payment of maintenance grant.
- 12) According to Rule 10 of the Rules, 1978, the State Government may, by notification, would make rules for carrying out of the



purposes of this Act. Subsequently by the Amendment Act, 2000, the word “salary” has been defined that salary means the salary and other allowances payable to a teacher or an employee at the rate as may be notified by the institution. From bare perusal of the said provision, it is crystal clear that ‘salary’ means the salary and other allowances and there is no word of pensionary benefits.

- 13)** Even in the Rule 33 of the Revised Rules, scale of pay of the teachers including the Head of the Institution, and other employees of an educational institution which is in receipt of Government grant shall be in accordance with those sanctioned for the corresponding categories of employees in Government educational institutions whereas the appointments, qualifications of the teachers and other employees payment of salaries and conditions of service shall be governed by the provisions of the Rules, 1978 and the rules made thereunder.
- 14)** On a specific query made, the petitioners failed to establish that there are any rules with regard to grant of pensionary benefits. Even the Government is granting aid to the schools only for the purpose of proper management and small funding and, as such, it cannot be said that the petitioners are also entitled for pensionary benefits at par with the government teachers.
- 15)** It is well settled law that the Court cannot direct the legislature to enact a particular law for reason that under the constitutional scheme Parliament exercises sovereign power to enact law and



no outside power or authority can issue a particular piece of legislation [See: Supreme Court Employees' Welfare Association v Union of India Another (1989) 4 SCC 187].

- 16)** Very recently the Supreme Court in the matter of Vikram Bhalchandra Ghongade vs. Headmistress Girls High School and Junior College, Anji (Mothi), Tahsil and District Wardha and Others reported in (2025) 10 SCC 248 = 2025 LiveLaw (SC) 696 categorically held that the posts in aided schools are either sanctioned by the Government or approved in accordance with the Rules and pay and allowances are also paid by the Government. The aided school teachers are also entitled to some of the conditions of service as are applicable to government teachers, with entitlement of pension, provident fund and gratuity as applicable, in accordance with the Rules brought out under Article 309 of the Constitution of India.
- 17)** It is noteworthy to mention here that in the aforesaid decision the Supreme Court held that the aided school teachers are entitled to some of the conditions to service as are applicable to the government teachers in accordance with the rules brought out under Article 309 of the Constitution of India whereas in the cases at hand there is no such rules which have been framed in the said provisions of the Constitution.
- 18)** Having considered the entire facts and circumstances of the case, this Court is of the considered view that in absence of



particular rules, the State cannot be directed to make rules by extending the pensionary benefits to the retired teachers/ employees of the aided schools at par with the teachers/ employees of the State Government.

- 19)** In the result, all the petitions sans substratum, are liable to be and are hereby dismissed. No order as to cost(s).

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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