



2026:CGHC:35637



CGHC010037742016



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 165 of 2017

1 - Savita Mandavi W/o Rani Kumar Mandavi, Aged About 45 Years Posted As Lecturer, High School, Bajrangpur, Nawagaon, District Rajnandgaon Chhattisgarh, Chhattisgarh

--- **Petitioner**

versus

1 - State Of Chhattisgarh Through The Secretary, School Educaiton Department, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh, Chhattisgarh

2 - The Director, Directorate Of Public Instruction, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3 - The District Education Officer, Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

--- **Respondent(s)**

WPS No. 1269 of 2017

1 - Dilip Kumar Sahu S/o Late Shri Rumlal Sahu, Aged About 53 Years Posted As Lecturer Hindi , Govt. Higher Secondary School, Dhehkadih, R/o Basantpur, Ward No. 46, Mahamaya Chowk, Rajnandgaon, District Rajnandgaon Chhattisgarh., Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur Chhattisgarh., Chhattisgarh

2 - The Director, Directorate Of Public Instruction, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - The District Education Officer, Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

--- **Respondent(s)**



WPS No. 1281 of 2017

1 - Kunjilal Painkra S/o Babulal Painkra Aged About 45 Years Posted As Lecturer Hindi, Govt. Higher Secondary School, Tilai, Block And Police Station- Rajnandgaon, R/o Ravi liamkar, Shantinagar, Ward No. 11, Rajnandgaon, District- Rajnandgaon, Chhattisgarh, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh, Chhattisgarh

2 - The Director, Directorate Of Public Instruction, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

3 - The District Education Officer, Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioners	: Mr. Anoop Majumdar, Senior Advocate along with Mr. Ajit Singh, Advocate
For State	: Mr. Amandeep Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

12.08.2026

1. Heard.

2. In these petitions, the petitioners have prayed for the following relief(s):

“10.1 That, this Hon'ble Court may kindly be pleased to call for entire records pertaining to the case of the petitioner.

10.2 That this Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 18.11.2016 (Annexure P/1) and further be pleased to direct the respondent authorities to allow the petitioner to work on the post of Lecturer (Hindi) at her place of posting.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the cost of the petition may be given.”

3. Mr. Majumdar, learned Senior Advocate appearing for the



petitioners would submit that the petitioners were appointed to the post of Assistant Teachers in the month of June, 1994, and subsequently, they were appointed as Teachers vide order dated 26.08.2008. It is argued that the petitioners were promoted to the post of Lecturers in their respective subjects vide order dated 19.06.2012. However, subsequently, without affording any opportunity of hearing, the orders of promotion were cancelled vide order dated 30.04.2015. He would contend that said order was challenged by filing writ petitions, which were allowed, wherein a direction was issued to the respondent authorities to afford an opportunity of hearing to the petitioners. He would further contend that, though respondent No.2 afforded an opportunity of hearing to the petitioners but reiterated same order vide order dated 18.11.2016. It is argued that the cut-off date for grant of promotion was 18.08.2008, whereas the petitioners were promoted to the post of Teachers on 26.08.2008, and on that count alone, the promotion orders were recalled by respondent No.2. He would submit that the authority concerned ought to have ignored the difference of eight days in the appointment to the post of Teacher. He would also submit that an interim order was granted in favour of the petitioners on 13.01.2017 and the petitioners are still working on the post of Lecturers. He would pray to allow these petitions.

4. On the other hand, Mr. Singh, learned Panel Lawyer appearing for the State/respondents would oppose the submissions. He would submit that as the petitioners were appointed to the post of



Teachers on 26.08.2008, whereas the cut-off date was 18.08.2008, they were not eligible for promotion to the post of Lecturers and respondent No.2 rightly cancelled the orders of promotion after affording due opportunity of hearing. He would submit that these petitions deserve to be dismissed.

5. Heard learned counsel appearing for the parties and perused the documents placed on record.
6. The orders of promotion were issued in favour of the petitioners on 19.06.2012 and pursuant to the said orders, the petitioners had joined at their respective places on the post of Lecturers. Since the orders were acted upon, the respondent authorities were under an obligation to afford a proper opportunity of hearing to the petitioners. Accordingly, the writ petitions were allowed and a direction was issued to the respondents to afford sufficient opportunity of hearing to the petitioners.
7. From perusal of the documents, it appears that there was a difference of eight days between the date of appointment of the petitioners to the post of Teacher and the cut-off date, and on that ground alone, the promotion orders issued in favour of the petitioners were cancelled by respondent No.2 vide order dated 18.11.2016. It is not a case where the petitioners lacked the requisite qualification or there were complaints against them. The authority concerned ought to have ignored the difference of eight days between the date of appointment and the cut-off date.
8. The decision to cancel the promotion orders was taken pursuant to



the circular dated 19.06.2012 issued by the Director, Directorate of Public Instructions, and on the same day, the orders of promotion were issued, thus, the mistake, if any, was committed by the Department itself, and there was no misrepresentation on the part of the petitioners.

9. Having considered the facts discussed above, these petitions are allowed. The orders dated 18.11.2016 issued against the petitioners are hereby quashed. The petitioners shall be entitled to all consequential benefits attached to the post from the date on which they resumed their duties on the said post.

10. In WPS No.1269 of 2017, Mr. Singh would submit that Dilip Kumar Sahu has already retired from service on attaining the age of superannuation. He shall be entitled to the benefits attached to the post from the date of promotion till the date of his retirement.

Sd/-

(Rakesh Mohan Pandey)
Judge