



2026:CGHC:3720



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5234 of 2023

Smt. Dulari Yadav W/o Shri Bahoran, Aged About 40 Years R/o Village And Post Jhilmili Tahsil Surajpur District Surajpur Chhattisgarh.

... **Petitioner**

versus

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

2 - The Commissioner, Directorate of Public Instructions, Indrawati Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.

3 - The Collector, Surajpur District Surajpur Chhattisgarh.

4 - District Education Officer, Surajpur District Surajpur Chhattisgarh.

5 - Block Education Officer, Block, -Bhaiyathan Surajpur District Surajpur Chhattisgarh.

6 - The Principal, Government Girls High Secondary School, Bhaiyathan District Surajpur Chhattisgarh.

7 - The Mission Director Samagra Shiksha Second Floor Education Bhawan Pension Bada Raipur (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Sunil Tripathi, Advocate
For State	:	Mr. Hariom Rai, Panel Lawyer

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

21.01.2026

1. Heard Mr. Sunil Tripathi, Advocate for the petitioner and Mr. Hariom Rai, learned Panel Lawyer for the State.



2. The petitioner has filed this writ petition with the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authority to comply the order dated 01.09.2021 by the State Government and order dated 03.01.2023 passed by this Hon'ble Court in W.P.(S) No. 9186/2022 and consider the joining of petitioner under the office of respondent no. 6 to the post of watchman.

10.2 Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case, may also be granted in favour of the petitioner.”

3. Learned counsel for the petitioner submits that the petitioner was initially appointed to the post of Watchman on collectorate rate under the 100-seater Girls Hostel, Bhaiyathan, vide order dated 05.09.2019, and has continuously served in the said post with utmost honesty, sincerity, and diligence, to the satisfaction of her superiors. There has never been any allegation or adverse remark against her during her tenure, and she performed her duties conscientiously for over two years. He further submits that during the petitioner's service, due to unavailability of funds under the said post, the Samagra Shiksha, State Government, issued an order discontinuing the services of employees working in Girls' and Boys' Hostels. In compliance with this decision, the Superintendent of Girls Hostel issued an order dated 31.08.2021



terminating the petitioner's services with immediate effect, without prior notice or opportunity of representation. Shortly thereafter, the State Government issued directions dated 01.09.2021, directing all Collectors and District Mission Directors to accommodate discontinued peons, watchmen, and cooks in other suitable Girls'/Boys' Hostels where vacancies existed.

4. Learned counsel contends that despite submitting a representation in compliance with the said order, the petitioner's request for accommodation was ignored. She therefore approached this Court through W.P.(S) No. 9186/2022, which was disposed of on 03.01.2023 with a direction to the respondents to take an appropriate decision regarding her accommodation. In compliance with the Court's order, other similarly situated employees were reinstated vide order dated 11.03.2022. However, as per the status report of respondent no. 6 (Annexure P-7), the post of Watchman continues to remain vacant, and the respondents have failed and neglected to reinstate the petitioner, thereby disobeying the directions of this Court. The act and conduct of the respondents, particularly respondents No. 3 to 5, is therefore arbitrary, illegal, and discriminatory, as the petitioner, being similarly situated, is being denied employment while other employees have already been accommodated.
5. In view of the above, it is respectfully submitted that the respondents be directed to comply with the order dated



03.01.2023, reinstate the petitioner immediately in the post of Watchman under respondent No. 6.

6. On the other hand, learned State counsel opposes the submissions advanced by the learned counsel for the petitioner and submits that the 100-seater Girls Hostel, Bhaiyathan, was established under a Centrally Sponsored Scheme funded by the Government of India, Ministry of Education, and the petitioner was engaged as a daily-wage Watchman vide order dated 05.09.2019. On account of non-availability of funds from the Central Government, the Superintendent of the Hostel issued an order dated 31.08.2021 disengaging the petitioner from service.
7. Learned counsel for the State further submits that there is no post available for the petitioner as per his instruction. It is contended that the petitioner earlier approached this Court by way of W.P.(S) No. 9186/2022, which was disposed of on 03.01.2023 directing the respondents No. 3 and 4 to take an appropriate decision in accordance with the rules and keeping in mind the availability of work and the departmental circular dated 01.09.2021. In compliance, the Managing Director, Samagra Shiksha, Chhattisgarh, after examining the matter, rejected the petitioner's representation vide order dated 18.04.2023 on the ground that no sanction had been issued by the Government of India to continue the scheme, and consequently, the petitioner could not be reinstated.



8. I have heard learned counsel for the respective parties and perused the documents annexed with the writ petition.
9. On a careful examination of the record, it is apparent that the petitioner was initially appointed as a daily-wage Watchman in the 100-seater Girls Hostel, Bhaiyathan, under a Centrally Sponsored Scheme funded by the Government of India, Ministry of Education, vide order dated 05.09.2019. The petitioner served in the said post with honesty, diligence, and sincerity, and there is no material on record indicating any adverse remark or disciplinary action against her during her tenure.
10. It is further noted that the petitioner's services were discontinued vide order dated 31.08.2021 issued by the Superintendent of the Hostel. From the record, it appears that the stated reason for termination was the non-availability of sanctioned honorarium/funds for the continuation of her engagement. However, the order does not categorically state that the post itself was abolished or unavailable. The termination occurred during the COVID-19 pandemic period, a time of unprecedented administrative and financial constraints, which warrants a compassionate and pragmatic approach while considering cases of this nature.
11. The petitioner had earlier approached this Court in W.P.(S) No. 9186/2022, and this Court disposed of the petition on 03.01.2023 with a direction to respondents No. 3 and 4 to consider her case



in accordance with rules, taking into account the availability of work and relevant departmental circulars. In compliance, the Managing Director, Samagra Shiksha, examined the matter but rejected the petitioner's representation on 18.04.2023, citing absence of sanction from the Government of India for continuation of the scheme. Learned State counsel contends that no post is available for the petitioner; however, there is no specific material or order before this Court to demonstrate that the post is permanently abolished or that the petitioner cannot be accommodated if funds are sanctioned.

- 12.** It is also apparent from the record that similarly situated employees were accommodated or reinstated when posts and funds became available, as reflected in W.P.(S) No. 5334/2021. In the present case, the petitioner's services were terminated under exceptional circumstances beyond her control, and her right to be considered for reinstatement, if funds and posts are available, cannot be ignored. Denying her this opportunity while other employees in comparable circumstances were accommodated would be arbitrary and discriminatory.
- 13.** In view of the foregoing, the concerned authorities are directed to reconsider the petitioner's case afresh. If the post of Watchman under respondent No.7 is available, and if the honorarium or funds for the post have been sanctioned, the petitioner shall be given due consideration for reinstatement. The authorities shall



pass a speaking and reasoned order on the petitioner's representation within four weeks from the date of receipt of a certified copy of this order, taking into account the fact that her services were terminated during the COVID-19 pandemic, and ensuring parity with other similarly situated employees.

- 14.** With the aforesaid observations and directions, the writ petition is **disposed of**. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh