



2026:CGHC:21225



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4639 of 2024

J. K. Rathor S/o. Shri V.P. Rathor Aged About 62 Years R/o M.I.G.- 57,
Dindyal Puram Colony, T.V. Tower, Raigarh, Chhattisgarh

... **Petitioner(s)**

Versus

- 1** - State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, Chhattisgarh
2 - The Directorate Of Public Education, Chhattisgarh Indrawati Bhawan, Block- 3, First Floor, New Raipur, Atal Nagar Raipur, Chhattisgarh
3 - District Education Officer- Raigarh District Raigarh, Chhattisgarh

... **Respondent(s)**

For Petitioner(s) : Ms. Deeksha Pandey, Advocate on behalf of Mr. Neeraj Choubey, Advocate

For Respondent(s) : Ms. Apurva Nigam, P.L.

HON'BLE SHRI JUSTICE PARTH PRATEEM SAHU

Order on Board

06/05/2026

- 1.** Petitioner has filed this writ petition seeking following reliefs;

"I. That, this Hon'ble Court may kindly be pleased to issue an appropriate writ (s)/order(s)/ by holding the act and action of the respondent is bad in law and the petitioner is entitled to work till the end of academic session according to the policy of the state direct the government, accordingly kindly be pleased to respondents to allow the petitioner to performed the duty as School principal till the end of academic session 2024-25.



II. That, the Hon'ble High Court may kindly be pleased to direct the respondent as such after disengagement of the petitioner from the job, immediately released all the retrial dues of the petitioner along with interest.

III. That the Hon'ble court may kindly be pleased to issue appropriate writ's/order's/direction's /relief's, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case."

2. Counsel for the petitioner submits that petitioner while holding the substantive post of Principal has been directed to work as Assistant District Project Officer on 22.08.2017 and continuously worked on the said post till 30.06.2024. Petitioner retired from service after attaining the age of superannuation on 30.06.2024. One circular is issued by the State Government on 30.01.2024, mentioning that the persons / persons employed on the post of Assistant Teacher, up to the Principals are to be reengaged till the academic session comes to and end. During the academic period if any employee as mentioned above retired from service after attaining the age of superannuation. Though petitioner was sent on deputation to work as the Assistant District Project Officer under Samagra Shiksha, however, according to the rules, petitioner ought to have been repatriated in the School Education Department, six months before attaining the age of superannuation, which has not been done and therefore, petitioner is entitled for the re-engagement till the end of the academic session 2024-2025.
3. Counsel for the State opposes the submission and would submit that the circular which issued is applicable to the employees / teachers engaged in teaching or posted in the schools i.e. Assistant Teacher till the post of Principal. She submits that it is not in dispute that the substantive post of the petitioner was of Principal, however, she submits that the petitioner was not discharging the duties in the school as Principal prior to the date of superannuation and therefore, the petitioner cannot be granted the relief as prayed for in this writ petition.
4. I have heard counsel for the parties and also perused the documents placed on record.



5. The case of the petitioner is based on Annexure-P/1 which is a circular dated 30.01.2024, the circular is extracted below for ready reference;

छत्तीसगढ़ शासन
स्कूल शिक्षा विभाग
"मंत्रालय" महानदी भवन, नवा रायपुर अटल नगर
जिला रायपुर
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क्रमांक एफ 2-70/2000/20-दो (तीन)

नया रायपुर, दिनांक 30/01/2024

प्रति.

संचालक,
लोक शिक्षण संचालनालय,
इन्द्रावती भवन,
अटल नगर, नवा रायपुर

विषय:- शालेय शिक्षकों को शिक्षा सत्र के अंत तक पुनर्नियुक्ति देने बाबत।

संदर्भ:- आपका प्रस्ताव क्र./स्था. 02/व्या./ पुनर्नियुक्ति/12/2024/965, दिनांक 12.01.2024

उपरोक्त विषयांतर्गत संदर्भित प्रस्ताव का कृपया अवलोकन करना चाहेंगे। शासकीय एवं शत प्रतिशत अनुदान प्राप्त शालाओं के शिक्षकों (सहायक शिक्षक से लेकर प्राचार्य तक) को शिक्षा सत्र के अंत तक पुनर्नियुक्ति प्रदान करने के संबंध में संचालक लोक शिक्षण संचालनालय से निम्नानुसार प्रस्ताव प्राप्त हुआ है:-

"शासकीय एवं शतप्रतिशत अनुदान प्राप्त शालाओं के शिक्षक सवर्ग (सहायक शिक्षक से प्राचार्य तक) को शिक्षा सत्र तक पुनर्नियुक्ति प्रदान करने की अनुशंसा करती है। यह पुनर्नियुक्ति आदेश, शासन स्तर से किसी सत्र विशेष के लिये जारी न किया जाकर, स्थाई आदेश के रूप में जारी किया जाना उचित है। जिसमें सेवानिवृत्ति तिथि के उपरांत स्वमेव सत्रांत तक पुनर्नियुक्ति मान्य की जायेगी। यदि कोई सेवानिवृत्त शिक्षक लिखित में पुनर्नियुक्ति से इंकार करता है तो ही पुनर्नियुक्ति नहीं दी जायेगी।"

संदर्भित प्रस्ताव पर शिक्षा सत्र 2024-25 हेतु प्रशासकीय अनुमोदन प्राप्त हुआ है। अतः पुनर्नियुक्ति के संबंध में जारी दिशा-निर्देशों के आधार पर अपने स्तर से आवश्यक कार्यवाही किया जाना सुनिश्चित करें।

(पुलक भट्टाचार्य)
अवर सचिव
छ.ग. शासन,
स्कूल शिक्षा विभाग

क्रमशः

पृ. क्र. एफ 2-70/2008/20-दो (तीन)

नवा रायपुर, दिनांक 30/01/2024



6. Perusal of the aforementioned circular makes it clear that it is applicable to the employees of the Education Department engaged in the work of teaching from the post of Assistant Teacher up to the Principal. Petitioner though was holding the substantive post of Principal, however, petitioner was not posted as Principal in the school on the date of his retirement i.e. 30.06.2024. The purpose of bringing the circular dated 30.01.2024 is to protect the interest of children studying in the school where the teachers or Principal is posted with an intent that the studies and the performance of students shall not be affected within that academic session.
7. Admittedly, the petitioner though holding substantive post of Principal was not posted in the school, but is discharging the administrative work on deputation in Samagra Shiksha and therefore, the petitioner will not be entitle for the benefit flowing from the circular dated 30.01.2024 Annexure-P/1. Another aspect of the case is that under circular re-engagement is only up to the end of the academic session. The academic session have already come to an end on 31.03.2025 and therefore also the petitioner cannot be granted any relief as prayed for.
8. For the foregoing discussion, the writ petition being devoid of substance which is liable to be and is hereby dismissed.

Sd/-

(Parth Prateem Sahu)

JUDGE