



2026:CGHC:9415

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7376 of 2025

1. Manisha Sonpipre W/o Suresh Sonpipre Aged About 51 Years
Currently Posted As Govt. Higher Secondary School Adarsh
Durg, District- Durg (C.G.)

... **Petitioner**

versus

1. State Of Chhattisgarh Through Its Secretary, School
Education Department, Mantralaya, Mahanadi Bhawan, Nava
Raipur, Atal Nagar, District Raipur (C.G.)
2. Collector District Durg (C.G.)
3. District Education Officer District Durg (C.G.)
4. Member Secretary, District Level Rationalization Samiti,
District- Durg (C.G.)
5. Kiran Sharma Teacher (L.B.), Currently Posted As Govt.
Higher Secondary School Adarsh Durg, District- Durg (C.G.)

... **Respondents**

For Petitioner : Mr. P. Chetan Kumar, Advocate

For Respondent No.1 to 4 : Mr. Virendra Verma, Panel Lawyer

For Respondent No.5 : Mr. Tanmay Thomas, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

23/02/2026

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

“10.1. That the Hon'ble Court may kindly be pleased to stay the effect and operation of the order dated 31.05.2025 of list of Surplus Teacher and regarding the schedule of their counseling and back dated transfer order dated 03.06.2025 communicated lately on 09.06.2025 and also 6during the course of hearing, As it got totally vitiated because one of the members rationalization committee preparing list of surplus teachers has got suspended in the charges of forgery in making of this list, which shows that this list is totally malafied, biased and arbitrary and illegal which has to be quashed looking to the conduct of their own officer which got ultimately suspended by respondent authorities.

10.2.Any other relief which this Hon'ble Court deems fit and proper in favour of the petitioner as per the facts and circumstances of the present case, in the ends of justice.”

2. Learned counsel for petitioner submits that respondent No.5 was earlier transferred from Government Adarsh Girls Higher Secondary School Durg to Government Higher Secondary School Nandini Khundani, District Durg. Respondent No.5 challenged her transfer order by filing WPS No.6792/2022, which was disposed of permitting petitioner to submit representation before the Committee constituted under the Transfer Policy. Representation submitted by respondent No.5 came to be rejected against which she filed WPS No.4118/2023 in which an interim order in favour of respondent No.5 herein was passed on 04.07.2023. Said writ petition was ultimately disposed of vide order dated 20.8.2025

and transfer order of respondent no.5 was quashed. However, respondent authorities have interpreted that interim order passed in favour of respondent No.5 has not been disturbed in the order dated 20.8.2025, which is not correct because writ petition itself is decided finally vide order dated 20.8.2025 and therefore, interim order was merged into final order. He next contended that as respondent No.5 has been transferred in the year 2022 and in her place, petitioner has been transferred, therefore, petitioner cannot be treated to be a surplus staff in Government Adarsh Girls Higher Secondary School Durg. Grounds raised by petitioner have not been considered by the Committee constituted under the Rationalization Policy in appropriate manner and therefore transfer of petitioner be interdicted.

3. Learned State Counsel opposes submissions of learned counsel for petitioner and submits that Committee constituted under the policy considered case of petitioner in appropriate manner in the light of order of High Court in WPS No.4188/2023 dated 20.8.2025. He contended that order of transfer of petitioner is dated 3.6.2025 and WPS No.4188/2023 was disposed of thereafter on 20.8.2025. It is prima facie appearing that in WPS No.4118/2023 respondent No.5 has challenged her transfer order, which has been quashed. Therefore, on the date of passing of an order of

transfer of petitioner, respondent No.5 was holding post in said school pursuant to interim order of stay. Respondent authorities have not committed any illegality or irregularity in considering claim of petitioner in light of decision in WPS No.4118/2023 dated 20.8.2025.

4. Learned counsel appearing on behalf of respondent No.5 adopts the arguments advanced by learned State Counsel.
5. Heard learned counsel for respective parties and perused documents available in record of writ petition.
6. Claim of petitioner that the order passed treating the petitioner to be a surplus teacher in Government Adarsh Girls Higher Secondary School Durg is erroneous, cannot be accepted in the facts and circumstances of case. On the date of passing of an order by the District Education Officer under the Rationalization Policy transferring petitioner treating her to be surplus teacher, there was already an interim order of stay in favour of respondent No.5. On the date of passing of order of transfer it is to be considered whether any of teacher including petitioner is surplus or not. Admittedly, respondent No.5 is continuing her services at Government Adarsh Girls Higher Secondary School Durg under the umbrella of interim order passed by the High Court in her favour in WPS No.4118/2023. Action of respondent authorities is to be considered as on 3.6.2025. Writ petition filed by respondent

No.5 was disposed of subsequent to order of transfer under Rationalization Policy, on 20.8.2025, observing thus:-

“4.Considering the aforesaid aspect of the matter and considering the fact that on the strength of the aforesaid stay order, the petitioner is still continuing at his original place of posting, as such, by the afflux of time the said orders, has lost its efficacy and as such the order dated 23.6.2023 is required to be quashed and accordingly the said orders under challenge are hereby quashed.

7. The order passed in WPS No.4118/2023 is not put to challenge by petitioner herein by filing intra court appeal before the High Court though she was also a party respondent in it. In the aforementioned facts of the case, transferring the petitioner treating her to be surplus teacher cannot be said to be erroneous.
8. Yet another ground for not interfering with the impugned order is that petitioner has been transferred in the same block just 10-15 km away from her present place of posting.
9. In the result, writ petition being sans merit is liable to be and is hereby dismissed. No order as to costs.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-