



2026:CGHC:9994



2026:CGHC:9994

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6148 of 2021

1 - Lakhan Ram Sahu S/o Shri Son Sai Sahu Aged About 53 Years Presently Working As Assistant Grade-Ii In The Office Of The District Education Officer, District Dhamtari Chhattisgarh And R/o Near Vodafone Tower, Mahatma Gandhi Ward, Naya Para, Dhamtari Post Tahsil And District Dhamtari Chhattisgarh

... **Petitioner(s)**

versus

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

2 - The Commissioner-Cum-Director Directorate Of Public Instructions, Chhattisgarh Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh

3 - The District Education Officer District Dhamtari Chhattisgarh

... **Respondent(s)**

For Petitioner(s)	:	Mr. Shishir Dixit, Adv
For Respondent(s)	:	Mr. Vivek S. Ojha, P. L.

(Hon'ble Shri Justice Sachin Singh Rajput)

Order on Board

26/02/2026

1. Following relief has been claimed in this writ petition:-

10.1. To call for the entire records of the order dated 05/10/2021 (Annexure P/1) from the respondents, for kind perusal of the Hon'ble Court.

10.2. To issue a writ in the nature of certiorari quashing the impugned order dated 05/10/2021 (Annexure P/1) issued by the respondent no. 2.



10.3. To restrain the respondent authorities from taking any coercive action against the petitioner pursuant to the impugned order dated 05/10/2021 (Annexure P/1) issued by the respondent no. 2.

10.4. Any other relief which the Hon'ble Court may deem fit, in the interest of justice.

2. Learned counsel for the petitioner submits that, vide order dated 16.10.2006 (Annexure P-5), the petitioner who was working as Peon in the Government Girls Higher Secondary School, Dhamtari was promoted to the post of Assistant Grade-III. He was subsequently posted to the office of the District Education Officer, Dhamtari. However, by way of the impugned order, the Deputy Director of Public Instruction, Chhattisgarh, directed the initiation of proceeding to cancel the petitioner's promotion order. It is further submitted that in the return/ reply filed by the State, it is specifically pleaded that the petitioner's promotion was indeed in accordance with the law. Consequently, he prays that the impugned order may be set aside.
3. Learned counsel for the respondent/ State submits that, as per Para 8 of the return, a subsequent Departmental Promotion Committee (DPC) came to a conclusion that the promotion granted to the petitioner is in accordance with the law. Thus, this writ petition may be disposed of.
4. Heard learned counsel for the parties and perused the record.
5. The document appended to the writ petition indicate that the petitioner was promoted to the post of Assistant Grade-III vide order dated 16.10.2006. It appears that subsequently, following an inquiry, the impugned order was passed, holding that the petitioner's promotion was not in accordance with the law and directing the cancellation of the said promotion. This Court, while admitting the writ petition on 10.11.2021, stayed the operation of the impugned order (Annexure P-1), and it appears that the said stay order remains in force. Paragraph 8 of the return filed by respondents clearly indicates that the promotion order of the petitioner was indeed in accordance with the law. For ready reference, Paragraph 8 of return is quoted herein-below:-



“ 8. It is respectfully submitted that pursuant to the said direction contained in the impugned order dated 05/10/2021 (Annexure P/1), a 3 member District Level Departmental Promotion Committee has been constituted for considering the candidature of the petitioner for promotion. On 26/12/2022 the meeting of the District Level Departmental Promotion Committee was convened in which the case of the petitioner was duly considered and after going through the records and documents pertaining to the appointment of the petitioner as well as promotions granted to the petitioner, the District Level Departmental Promotion Committee came to the conclusion that for mistake committed by the then Departmental Promotion Committee in granting the promotion, the petitioner cannot be held liable because the same is contrary to the principle of equality, therefore, by allowing all the decisions /recommendations made by the then Departmental Promotion Committee, all the promotions granted to the petitioner have been affirmed and held to be in accordance with law. To demonstrate the above, copy of the minutes of the District Level Departmental Promotion Committee held on 26/12/2022 is filed herewith as Annexure R/1.”

6. In light of the above, Annexure P-1 cannot stand and is liable to be and is hereby set aside. The writ petition thus allowed.
7. All pending applications stand disposed of.

Sd/-

(Sachin Singh Rajput)

JUDGE