



2026:CGHC:10540



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5416 of 2024

1 - Smt. Kumari Bai Sahu W/o. Ramesh Prasad Sahu Aged About 60 Years
Head Master, Government Middle School, Bisanpur, Block And Tahsil
Bilaigarh, District - Sarangarh-Bilaigarh (C.G.)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar,
District - Raipur (C.G.)

2 - Director Public Instructions, Indrawati Bhawan, Nava Raipur Atal Nagar,
District - Raipur (C.G.)

3 - District Education Officer Bilaigarh, District Sarangarh-Bilaigarh (C.G.)

4 - Block Education Officer Bilaigarh, District - Sarangarh-Bilaigarh (C.G.)

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner	: Mr. H.B. Agrawal, Sr. Advocate with Ms. Preeti Yadav, Advocate
For Respondents/State	: Mr. Khulesh Sahu, P.L.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board



28/02/2026

1. Petitioner has filed this petition seeking following relief (s) :-

“10.a That, the Hon’ble Court may kindly be pleased to allow the petition by directing the respondents to pay arrears of difference of pay like deceased Kumari Kamla Sahu who was junior to the petitioner, the pay of petitioner be refixed so as to removed anomaly of pay, which is continue in cause of action within stipulated period as per calculation statement (annexure P-7) with 18% interest per annum with cost. The action of respondent No.4 withholding/deducting wages for the month of July 2024 for work done is illegal without authority, because, no enquiry or opportunity to be heard, was given to the petitioner before doing so, therefore, letter dated 08.07.2024 (Annexure P-8) be quashed and amount withhold/deducted for the month of July 2024 be released to the petitioner with interest of 18% per annum, it be also ordered that no further withholding/deducting salary of petitioner be made in future by respondent No.4.

10.b Cost of the petition be awarded and;

10.c Any other relief or direction which the Hon’ble Court may deems fit, be also awarded.”

2. Learned counsel for petitioner would submit that petitioner has initially filed an Original Application before the State Administrative Tribunal bearing O.A. No.2389 of 1989. Original Application filed by petitioner remain pending and in the meanwhile pursuant to reorganization of State of Madhya Pradesh new State of Chhattisgarh was carved out. Original application filed by petitioner pending in State Administrative Tribunal, Jabalpur has been transferred to State Administrative Tribunal, Raipur in new State of Chhattisgarh. Functioning of State



Administrative Tribunal, Raipur is stopped as it was abolished and the cases pending in State Administrative Tribunal has been transferred to the High Court of Chhattisgarh. Case of petitioner is registered as WPS No.187 of 2005, and this Court considering that petitioner has been given appointment on the post of Lower Division Teacher on 15.04.1991 with regular pay scale w.e.f. 11.11.1994 has disposed of the writ petition vide order dated 26.02.2016 observing it to have rendered infructuous reserving liberty to move afresh before this Court if any cause of action still survives. It is contention of learned counsel for petitioner that seniority of petitioner has not been properly placed in the gradation list. He submits that one Kamla Bai was also appointed as Assistant Teacher in the fixed pay of Rs.300/-, whereas, petitioner was appointed in fixed pay of Rs.500/-, therefore, in view of the fixed salary as provided to Kamla Bai and petitioner, it is apparent that petitioner would be senior to Kamla Bai based on the fixed pay of Rs.500/- to be paid to her. Petitioner has submitted representation making a prayer that she should be placed above Kamla Bai in the gradation list, which was rejected arbitrarily and illegally, therefore, this writ petition is filed.

3. Learned State counsel would oppose the submission of learned counsel for petitioner and would submit that from the documents enclosed along with rejoinder submitted by petitioner, it is clearly appearing that Kamla Bai was initially appointed on 23.03.1989 under the scheme of Operation Black Board and it was not regular appointment in the School Education Department but her appointment is under particular scheme. He also submits that petitioner was appointed under Junior Primary School with Classes 1 to 3 in a village



which is having population of 200 to 300 i.e. small villages, where primary school are not available. Both the appointments have been made under special scheme and appointment of petitioner is subsequent to appointment of Kamla Bai on 13.09.1990, therefore, submission of learned counsel for petitioner that petitioner is to be placed above Kamla Bai only because she was given higher fixed pay at the time of initial appointment, is not correct. He contended that both the teachers, who were appointed under different scheme not under the School Education Department have been given regular appointment in School Education Department. Petitioner is given appointment w.e.f. 15.04.1991 and petitioner gave her joining on 19.04.1991 as is reflecting form the entries made in the service book of petitioner. Copies of service book, which is enclosed along with reply is not controverted by petitioner with respect to her date of joining.

4. I have heard learned counsel for parties and perused the documents placed on record.
5. From the submission of learned counsel for petitioner and documents Annexure P-2 would show that petitioner has initially filed original application raising her grievance that she be given appointment like other candidate Kamla Bai (wrongly mentioned as Kumari Bai) from 23.03.1989 along with service and monetary benefits. It appears that during the pendency of this original application, petitioner was appointed under different scheme i.e. Junior Primary School to run classes from 1st to 3rd in villages where population is in between 200 to 300, whereas appointment of Kamla Bai as claimed by petitioner,



who was appointed in the year 1989 is under scheme of 'Operation Black Board'. From the document which is placed on record along with rejoinder by petitioner, the appointment of Kamla Bai under Operation Black Board and another dated 13.09.1990 of teachers for Junior Primary School, prima-facie is under different scheme. Though petitioner has filed original application for her appointment under Operation Black Board, however, during pendency of this original application, petitioner got appointment as Assistant Teacher for running Junior Primary School. Thereafter, the teachers engaged under Operation Black Board as also for running school of junior primary school were regularized in service under School Education Department. Petitioner was appointed pursuant to the order dated 15.04.1991 and joined service on 19.04.1991 as is reflecting from copy of service book of petitioner enclosed along with return (Annexure R-1). This document is not disputed by learned counsel for petitioner.

6. The order passed in original application filed by petitioner which on transfer to High Court was registered as writ petition bearing WP(S) No. 187 of 2005 would show that original application/writ petition was not considered and decided on merits, but it was disposed of taking note of the fact that petitioner was appointed in the School Education Department as Assistant Teacher vide order dated 15.04.1991 and has also been granted regular pay scale w.e.f. 11.11.1994. In the order dated 26.02.2016 in WPS No.187 of 2005, the issue raised by petitioner in the writ petition/original application to give her appointment w.e.f. 23.03.1989 as has been given to Kamla Bai remained undecided.



7. In the aforementioned facts of the case when appointment of Kamla Bai is prior to petitioner i.e. vide order dated 23.03.1989, copy of which is filed along with rejoinder, therefore, submission of learned counsel for petitioner that petitioner be given seniority above Kamla Bai in the opinion of this Court is not sustainable. Accordingly the said submission is repelled.
8. For the foregoing discussions made here-in-above I do not find any merit in this writ petition, which is liable to be and it is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Balram