



2026:CGHC:42301



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7173 of 2026**

Smt. Idni Das W/o Anand Das Aged About 40 Years Occupation -
Assistant Teacher Posted At Primary School Bhilaikhurd Block
Rajpur District Balrampur Ramanujganj (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan New Raipur C.G.

2 - Directorate Of Public Instruction, State Level Committee Through
Director, Indravati Bhawan Mantraiaaya, Mahanadi Bhawan New
Raipur (C.G.)

3 - Secretary Divisional Committee And Joint Director Education
Surguja Division Ambikapur (C.G.)

4 - Collector Balrampur Ramanujganj District Balrampur
Ramanujganj (C.G.)



5 - District Education Officer, Balrampur Ramanujganj District
Balrampur Ramanujganj (C.G.)

6 - Block Education Officer, Rajpur District Balrampur Ramanujganj
(C.G.)

7 - Sahdev Maurya Aged About 50, Posted As Headmaster Govt.
Primary School Bhilaikhurd Block Raipur District Balrampur
Ramanujganj (C.G.)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) : Shri Nishi Kant Sinha, Advocate

For Respondent(s) : Shri S.S. Baghel, Govt. Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

29.09.2026

1. The present writ petition has been filed by the petitioner, who is working as an Assistant Teacher and is presently posted at Primary School Bhilaikhurd, Block Rajpur, District Balrampur-Ramanujganj (C.G.), prays for following reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased



*to quash the impugned order dated 30.03.2026
(Annexure P/1) passed by respondent no. 2.*

*10.2 That, this Hon'ble Court may kindly be pleased
to quash the impugned order dated 04.06.2025
(Annexure P/4) passed by respondent no. 3, whereby
the petitioner was held to be surplus teacher.*

*10.3 That, this Hon'ble Court may kindly be pleased
to direct the respondent authorities to consider the
petitioner as non surplus teacher and allow her to
work on her present place of posting.*

*10.4 Any other relief(s) which may deem fit by this
Hon'ble Court may also be granted in favour of the
petitioner."*

2. Learned counsel for the petitioner submits that the petitioner was earlier declared surplus and transferred vide order dated 04.06.2025 to Primary School Girwani, Block Wadrafnagar, District Balrampur-Ramanujganj (C.G.). The petitioner challenged the said order as well as the subsequent rejection of her representation by filing WPS No. 7343 of 2025. This Court, vide order dated 17.07.2025, directed the Divisional



Rationalization Committee/respondent authorities to consider and decide the petitioner's representation in accordance with law.

3. Learned counsel for the petitioner further submits that, in her representation, the petitioner specifically raised the issue that respondent No. 7, is a T-Cadre Teacher who has been posted as Head Master in the petitioner's school, which is an E-Cadre school. It is contended that a T-Cadre Teacher could not have been posted in an E-Cadre school and, therefore, the petitioner could not have been declared surplus on the basis of such arrangement.
4. It is further submitted that the aforesaid specific objection was not properly considered by the competent authority. The petitioner thereafter filed WPS No. 501 of 2026, which was disposed of with liberty to the petitioner to prefer an appeal before the State Level Committee/respondent No. 2. Pursuant thereto, the petitioner preferred an appeal reiterating, inter alia, the aforesaid grievance regarding the posting of respondent No. 7; however, the same has also been rejected by the impugned order dated 30.03.2026 without dealing with the specific ground raised by the petitioner.



5. Learned counsel for the petitioner, therefore, submits that the impugned order dated 30.03.2026 has been passed without proper consideration of the petitioner's specific grievance and without assigning cogent reasons. According to the petitioner, subsequently, the petitioner has been suspended from her duties on account of non-joining the new place of posting and also contemplated the departmental enquiry proceedings against her, but in support of the said contention no documentary evidence has been annexed with the present petition.
6. On the other hand, learned counsel appearing for the State would submit that the issue involved in this writ petition has already been considered and decided by this Court vide judgment dated **18.09.2025** passed in **WA No.674 of 2025 (Shashi Shrivastava vs. State of Chhattisgarh & Others)**, wherein the Division Bench of this Court held as under:-

"8. From perusal of the record, it transpires that the main grievance of the appellant is that she is the Lecturer (Chemistry), but she has been considered as Lecturer (Science) and has been declared surplus. It is grievance of the appellant that she was not provided any opportunity to participate in the



counselling on the ground that she is the Lecturer (Chemistry) and there are no surplus Lecturers in the Chemistry subject, and the Respondent No. 5 has been allotted to Ambikapur School. From perusal of the order dated 11.05.2021 (Annexure P-7), it transpires that the appellant and one Snehlata Pathak, were the Lecturers (Chemistry) and they have been adjusted against the vacant post of Lecturer (Biology) and (Maths), for the purposes of their salary. The District Level list of Lecturers shows only two categories, i.e. (1) Biology and (2) Science. In the District Level list of surplus Lecturers, the appellant is considered as the Lecturer (Science), which includes the Chemistry subject as subject of Science. There was no vacant post available for Lecturer (Chemistry/ Science) and therefore, the name of appellant is placed in the State Level counselling and she has been allotted the Bhopalpatnam school. Even otherwise. Teacher Rationalization Instructions are mere guidelines. It may not supplant the general powers of the employer, provided under the statutory service rules, i.e. to post a person at a place in the public interest and in administrative exigency. It is a trite law that transfer/posting is an incidence of service, the Court should not interfere with the transfer/posting order, unless there is malice. infringement of statutory rules and regulations. The



employees may be posted anywhere at the instance of the employer in the public interest and administrative exigency. It is not a case of proved mala fide, lack of competence of the officer passing the transfer order or infraction of any statutory Rules and Regulations.

9. Considering the submissions advanced by the learned counsel for the parties and the finding recorded by the learned Single Judge while dismissing the writ petition filed by the writ petitioner, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.

10. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed. No cost(s)."

7. Learned State counsel further submits that since the facts and issue involved in the present case is identical to that of WA No. 674 of 2025, this petition may also be dismissed in the same terms.
8. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials available on record, it is evident that the facts and



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issue involved in this petition is identical to **WA No. 674 of 2025**, this Court deems it appropriate not to take a view other than what has been taken in the aforesaid writ appeal.

9. Accordingly, the present petition is **dismissed** in terms of the order dated **18.09.2025** passed in **WA No. 674 of 2025**.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib