



2026:CGHC:8917



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 9538 of 2023**

1 - Preeti Mishra D/o Parmeshwar Mishra Aged About 30 Years Presently Posted As Trained Graduate Teacher (English) At Eklavya Model Residential School Bandhawa, Block Lormi District Mungeli Chhattisgarh.

2 - Yashwant Kumar Sinha S/o Roopchand Sinha Aged About 31 Years Presently Posted As Trained Graduate Teacher (Maths) At Eklavya Model Residential School Bandhawa, Block Lormi District Mungeli Chhattisgarh.

3 - Khemlata Dhruw D/o Lakhan Singh Shruw Aged About 33 Years Presently Posted As Trained Graduate Teacher (Social Science) At Eklavya Model Residential School Bandhawa, Block Lormi District Mungeli Chhattisgarh.

4 - Tanuja Ratnakar D/o S. R. Ratnakar Aged About 29 Years Presently Posted As Trained Graduate Teacher (Science) At Eklavya Model Residential School Kosambuda, Block Lormi District Mungeli Chhattisgarh.

5 - Indrani Rathore W/o Arvind Singh Aged About 32 Years Presently Posted As Trained Graduate Teacher (Hindi) At Eklavya Model Residential School Kosambuda, , Block Lormi District Mungeli



Chhattisgarh.

6 - Satyam Kumar Anant S/o Shriram Anant Aged About 32 Years Presently Posted As Trained Graduate Teacher (Hindi) At Eklavya Model Residential School Jamthan, Block Bharatpur District Manendragarh Chirmiri Bharatpur Chhattisgarh.

... Petitioners.

versus

1 - Union Of India Through Its Secretary Ministry Of Tribal Affairs Rajendra Prasad Road, Shashtri Bhawan New Delhi.

2 - National Education Society For Tribal Student Through Its Commissioner Ministry Of Tribal Affairs, Ground Floor, Gate No. 3a, Jeevan Tara Building, Parliament Street, New Delhi-110001.

3 - State Chhattisgarh Through Secretary Scheduled Caste Schedule Tribe Development Department Of School Education Mantralaya Mahanadi Bhawan, Atal Nagar,, District : Raipur, Chhattisgarh C.G.

4 - Eklavya Vidyalaya Sangathan Samiti Through Its Commissioner - Cum-Secretary Scheduled Caste Schedule Tribe Development Department Block -D Ground Floor, Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh.

... Respondents.

For Petitioners	:	Shri Mateen Siddiqui, Advocate.
For State/Respondent	:	Shri Arpit Agrawal, Panel Lawyer.

(Hon'ble Shri Amitendra Kishore Prasad, Judge)

Order on Board

19/02/2026

1. This Writ Petition has been filed against the impugned advertisement issued by the National Education Society for Tribal Students (NESTS), Ministry of Tribal Affairs, for recruitment of teaching and non-teaching staff in Eklavya Model Residential



Schools (EMRS). The petitioners are permanent residents of Chhattisgarh and are duly qualified TGT teachers who were appointed between 2016 and 2022 in various EMRS institutions through orders issued by the Collector and Assistant Commissioner, Tribal Welfare, and whose services have been continuously extended for several years. Despite their long and uninterrupted service against vacant posts, the respondent authorities issued a fresh centralized advertisement inviting applications from candidates across the country, without considering the existing teachers or safeguarding their livelihood. The petitioners contend that NESTS has no authority or locus to issue such an advertisement, as under Clauses 9.1(k) and 9.3(e) & (f) of the EMRS Guidelines, recruitment powers vest with the competent State authority/Eklavya Vidyalaya Sangathan Samiti, and no valid entrustment to NESTS has been shown. They, therefore, challenge the advertisement as arbitrary, illegal, contrary to the EMRS Guidelines and violative of Articles 14 and 16 of the Constitution of India.

2. The petitioner has prayed for the following reliefs:-

10.1 That, the Hon'ble Court may kindly be pleased to set-aside/ quash the advertisement (P/1) issued by the National Education Society for Tribal Student.

10.2 That, the Hon'ble Court may kindly be pleased to direct the respondent authority to



consider the candidature of the petitioners for regularization the services of the petitioners on the post of Trained Graduate Teachers (TGT).

10.3 That, any other relief(s) which the Hon'ble Court deems fit & proper may kindly be pleased to granted in favour of the petitioners;

3. Brief facts of the case are that the petitioners are permanent residents of the State of Chhattisgarh and possess the requisite educational qualifications for appointment to the post of Trained Graduate Teachers (TGT) in Eklavya Model Residential Schools (EMRS), namely a Bachelor Degree in the concerned subject along with a B.Ed. Degree & Teacher Eligibility test. Pursuant thereto, the petitioners were initially appointed as “ Trained Graduate Teachers (TGT)” during the period 2016 to 2022 in different EMRS institutions situated across various districts of Chhattisgarh. Their appointments were made by the competent authorities, namely the Collector and the Assistant Commissioner, Tribal Welfare, and since the date of initial engagement, their services have been continuously extended from time to time. At present, the petitioners are discharging their duties with sincerity and dedication. It is further submitted that the petitioners have been rendering teaching services in EMRS institutions for several years; some of them have completed more than six years of uninterrupted service, many have completed more than four years, and only a few have been engaged more recently, thereby



establishing their long association with the EMRS system in the State. The Ministry of Tribal Affairs, Union of India, issued comprehensive guidelines dated 13.11.2020 governing the functioning and administration of EMRS institutions. As per Clause 9.1(k) of the said guidelines, the National Education Society for Tribal Students (NESTS) may, if the need so arises, entrust recruitment of teachers for States to an independent agency, whereas Clauses 9.3(e) and (f) specifically cast the responsibility of recruitment of teaching and non-teaching staff, in accordance with prescribed norms and reservation policies, upon the State/UT EMRS Society. Contrary to the aforesaid framework, the respondent No.2–NESTS issued the impugned advertisement (Annexure P/1) inviting applications for recruitment of teaching and non-teaching posts in EMRS institutions across the country, including the posts of TGTs presently held by the petitioners. The recruitment process was opened at the national level, attracting applications from candidates across India, without disclosing or placing on record any document to show that recruitment for the State of Chhattisgarh had been lawfully entrusted to any independent agency in terms of Clause 9.1(k) of the guidelines. The petitioners contend that the issuance of the impugned advertisement by NESTS is without authority and jurisdiction, as the power of recruitment vests with the State-level EMRS Society/Eklavya Vidyalaya Sangathan Samiti under Clauses 9.3(e) and (f) of the guidelines. It is further pleaded that State-



level recruitment is essential to ensure proper implementation of the reservation policy applicable within the State, and that centralized recruitment would adversely affect the rights of SC/ST/OBC candidates of Chhattisgarh, for whose benefit EMRS institutions have been established. The petitioners have also placed reliance on the fact that similarly situated teachers approached the High Court of Uttarakhand in WPSS No.1414/2023, wherein the selection process pursuant to a similar advertisement was stayed vide order dated 17.08.2023. It is further submitted that despite long years of service, experience certificates, and fulfillment of all eligibility criteria for regular appointment, the respondent authorities failed to consider the case of the petitioners for any alternative relief such as absorption, regularization or continuation on contractual basis on lines similar to schemes like 'Vidya-Mitaan', and instead proceeded in a casual and arbitrary manner which threatens the livelihood of the petitioners. The petitioners also rely upon the circular dated 16.03.2022 issued by the Under Secretary, School Education Department, Government of Chhattisgarh, wherein it was directed that no regular appointment, promotion or transfer shall be made in schools where guest teachers are already working, as well as the order dated 15.11.2021 issued by the Mizoram EMRS Society regularizing contractual employees. Lastly, it is stated that the petitioners, through their union, namely, Chhattisgarh Eklavya School Guest Teacher Union, submitted a



detailed representation dated 25.07.2023 to the Ex-officio Secretary, Eklavya Vidyalaya Sangathan Samiti, seeking consideration of their cases for regularization on the post of TGT, which has remained unattended till date. In these circumstances, the petitioners assert that the impugned advertisement is illegal, arbitrary and contrary to the EMRS guidelines, and that denial of any protective or alternative relief to the petitioners is violative of principles of natural justice and settled law, compelling them to invoke the extraordinary jurisdiction of this Court.

4. At the outset, learned counsel for the parties submit that the issue involved in the present writ petition stands squarely covered by the order passed by this Court in **WPS No.7753 of 2023 (Saroj Kumar Gupta and Others vs. Union of India and Others)** and other connected matters decided on 13.02.2026. It is jointly prayed that the present writ petition may also be disposed of in terms of the observations and findings recorded therein. The relevant paragraphs of the said order are reproduced below:—

“10. The undisputed facts emerging from the record are that the petitioners were engaged as PGT/TGT teachers in different Eklavya Model Residential Schools (EMRS) situated in various districts of the State of Chhattisgarh between the years 2016 to 2024. Their engagements were made through orders issued by the Collector / Assistant Commissioner, Tribal Welfare / District Level EMRS Committees. It is also not in dispute that the petitioners possess the



requisite educational qualifications prescribed for the said posts. The petitioners admittedly were engaged on a temporary/guest basis, and their services were extended from time to time depending upon the administrative requirements.

11. Though many of the petitioners have rendered long years of service, in some cases extending beyond six years, their engagement continued to remain temporary in nature and was never converted into a regular appointment through a process of selection in accordance with statutory recruitment rules. Subsequently, after the revamping of the EMRS Scheme as a Central Sector Scheme, the National Education Society for Tribal Students (NESTS) was constituted and empowered to administer, manage, and regulate EMRS institutions across the country. Pursuant thereto, the Central Government approved creation of regular posts and framed EMRS Recruitment Rules, 2023, followed by issuance of a centralised advertisement for filling up regular teaching and non-teaching posts in EMRS institutions.

12. The primary issue which thus arises for consideration before this Court is whether the petitioners, who were working on a temporary basis for a long duration, have a legal right to seek quashment of the centralised advertisement and



claim regularisation/absorption against the said posts.

13. The petitioners have argued that their long and uninterrupted service has created a legitimate expectation for regularisation and that the recruitment powers vest with the State EMRS Society under the EMRS Guidelines. On the other hand, the learned State counsel and learned counsel for the Union of India have contended that the petitioners were engaged purely on a temporary basis as a stop-gap arrangement and that regular recruitment falls exclusively within the domain of the Central Government/NESTS after revamping of the scheme.

14. Upon careful consideration of the record, this Court finds that the nature of engagement of the petitioners was purely temporary. The engagement was not made pursuant to any regular recruitment process nor under any statutory recruitment rules. It is well settled that temporary or guest employees do not acquire a vested right to be regularised merely on the basis of long service, as held by the Hon'ble Supreme Court in Secretary, State of Karnataka v. Uma Devi and subsequent judgments.

15. This Court further finds merit in the submission of the respondents that after declaration of EMRS as a Central Sector Scheme, the power to create posts and undertake regular recruitment has been assumed by the Central Government through NESTS,



supported by statutory rules, Memorandum of Association, and Memoranda of Understanding executed with the State EMRS Society. Therefore, the contention that the Central Government lacks jurisdiction to issue the impugned advertisement cannot be accepted.

16. Accordingly, this Court holds that the prayer for quashment of the impugned advertisement and for direct regularisation/absorption of the petitioners cannot be granted, as the same would be contrary to the settled principles of service jurisprudence and statutory recruitment framework. However, this Court cannot be oblivious to the fact that the petitioners have served in EMRS institutions for a considerable period, imparting education to tribal students in remote areas. Their experience, familiarity with the EMRS system, and contribution to the functioning of the schools cannot be brushed aside lightly. Though the petitioners do not possess an enforceable legal right to regularisation, equity demands that their experience be given due consideration. It would be unjust to completely ignore the long years of service rendered by them while undertaking regular recruitment. Therefore, while upholding the authority of the Central Government/NESTS to conduct regular recruitment, this Court deems it appropriate to issue a balanced and equitable direction in the interest of



justice.

17. Consequently, it is directed that the Central Government as well as the State Government/NESTS shall reconsider the cases of the petitioners, who have served in EMRS institutions for a considerable period, and their experience shall be given due weightage/preference, as permissible under the applicable recruitment rules or policy, while considering them for re-appointment or engagement, subject to fulfillment of eligibility conditions. It is clarified that this Court has not directed regularisation or automatic absorption, but has only directed reconsideration of the petitioners' cases by giving due importance to their experience, so that the services rendered by them are not rendered meaningless."

5. Since the grievance of the petitioners is identical to the one considered in **WPS No.7753 of 2023 (Saroj Kumar Gupta and Others vs. Union of India and Others)** and the petitioners in the present case are also seeking the same relief, the writ petition is accordingly **disposed of** in terms of and in line with the observations made in the aforesaid order.

Sd/-

(Amitendra Kishore Prasad)
JUDGE