



2026:CGHC:3728

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9537 of 2023

1 - Santosh Chipanpalli Son Of Late Shri Madaniya, Aged About 45 Years Working As Lecturer (Lb), And Posted At Government High School Gadapal, Block And District - Dantewada, Chhattisgarh.

... Petitioner(s)

versus

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

2 - Joint Director, Public Instruction Bastar Division Jagdalpur, District - Bastar, Chhattisgarh.

3 - District Education Officer, Dantewada, District - South Bastar Dantwada, Chhattisgarh.

4 - Ashwani Kumar Kanwar, Working As Lecturer (Lb) And Incharge Of Principal At Government High School Gadapal, Block And District - Dantewada, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. B.L.Sahu, Advocate.
For Respondent(s)/State	:	Ms. Deepeshwari Mahilwar, Panel Lawyer.
For Respondent No. 4	:	Mr. Vinod Kumar Dewangan, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

21/01/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

“(i) That, this Hon'ble Court may kindly be pleased to direct the respondents authorities to quash/ set aside impugned letter dated 14.11.2022 issued by the respondent no. 3, in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to direct the respondents authorities to decide the pending representation of the petitioner for taking charge of principal on the basis of seniority within stipulated time, in the interest of justice.

(iii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Brief facts of the case, is that, the petitioner is working as a Lecturer (L.B.) and is posted at Government High School, Gadapal, Block and District Dantewada, Chhattisgarh, where he has been discharging his duties sincerely and regularly. Thereafter, vide order dated 30.09.2022, the petitioner was

transferred from Government High School, Gadapal, Block and District Dantewada, to Government Higher Secondary School, Gadiras, Block Sukma, District Sukma, Chhattisgarh, which transfer order was challenged by the petitioner by filing Writ Petition (S) No. 7005/2022, wherein this Hon'ble Court, vide order dated 04.11.2022, granted a status quo order in favour of the petitioner, pursuant to which the petitioner continues to perform his duties efficiently at Government High School, Gadapal, Block and District Dantewada. The petitioner, while working as Lecturer (L.B.), had earlier also been entrusted with the charge of Principal and worked as In-charge Principal at Government High School, Gadapal, and there was no complaint whatsoever regarding the discharge of his duties as In-charge Principal, as evident from letter dated 08.04.2015 issued by the Assistant Commissioner, Tribal Development, Dantewada, under the office of the Collector, District South Bastar, Dantewada, Chhattisgarh. Despite the subsisting status quo order dated 04.11.2022, respondent No. 3, vide impugned letter dated 14.11.2022, failed to comply with the said order and illegally assigned the charge of Principal to private respondent No. 4, who is junior to the petitioner, inasmuch as the petitioner is placed at Serial No. 4612 whereas private respondent No. 4 is placed at Serial No. 9200 in the seniority list dated 02.06.2023, the said action being based on the erroneous transfer order dated 30.09.2022. Thereafter, the petitioner submitted representations to the concerned respondent authorities seeking

restoration of the charge of Principal in his favour in place of his junior, private respondent No. 4, but no action has been taken till date, and therefore the petitioner has been constrained to approach this Hon'ble Court with a prayer to cancel the charge of Principal granted to private respondent No. 4 and to direct consideration and decision of the petitioner's pending representations in accordance with law and seniority, at the earliest. Hence, this petition.

3. Learned counsel for the petitioner submits that the impugned letter dated 14.11.2022 issued by respondent No. 3 is wholly illegal, erroneous and contrary to law, inasmuch as the petitioner is admittedly senior to the private respondent No. 4. He further submits that the petitioner having been initially appointed on 30.04.2005, whereas the private respondent No. 4 was appointed much later on 15.02.2013. Accordingly, in the duly published seniority list, the petitioner figures at Serial No. 4612, while the private respondent No. 4 is placed at Serial No. 9200, thereby entitling the petitioner, by virtue of seniority, to be entrusted with the charge of Principal. He further submits that the petitioner had earlier discharged duties as In-charge Principal in the year 2015 without any complaint or adverse remark, demonstrating his suitability for the said responsibility. Learned counsel further submits that pursuant to the status quo order passed by this Hon'ble Court, the petitioner is presently working as Lecturer (LB) (Maths) at Government High School, Gadapal, Block and District

Dantewada, Chhattisgarh. However, despite the said order, the respondent authorities have acted in breach thereof by effecting the petitioner's transfer dated 30.09.2022 and by issuing the impugned letter, thereby illegally assigning the charge of Principal to the junior private respondent No. 4. He further submits that the impugned action is unsustainable in law and liable to be set aside, as continuation of the junior employee on the post would cause serious prejudice and adverse impact upon the petitioner's service rights based on seniority. Therefore, prays for appropriate relief and further reserves his right to urge additional grounds and to place all relevant documents on record at the time of final hearing.

4. Learned counsel for the respondent/State submits that the petitioner has no legal or vested right to claim charge of the post of Principal merely on the basis of alleged seniority. The petitioner is substantively working as Lecturer (L.B.) (Maths) and was transferred on administrative grounds by order dated 30.09.2022, pursuant to which the competent authority assigned the charge of Principal to respondent No. 4 by order dated 14.11.2022. The interim order dated 04.11.2022 passed by this Hon'ble Court was not within the knowledge of the authorities at the time of issuance of the said order. It is further submitted that assignment of charge is purely within the administrative discretion of the employer and cannot be claimed as a matter of right. The respondents have acted strictly in accordance with law and, therefore, the petition being devoid of merit is liable to be dismissed.

5. Learned counsel for respondent No. 4 submits that the writ petition challenging the letter dated 14.11.2022, whereby the respondent No. 4 was given charge of the post of Principal in place of the petitioner, is misconceived and devoid of merit. He further submits that respondent No. 4 was initially appointed as Lecturer (Panchayat) on 05.02.2013, subsequently absorbed in the Education Department, and has been discharging his duties as Lecturer (L.B.) sincerely and without any complaint. During the petitioner's tenure as Principal, he allegedly misbehaved and threatened the respondent, leading to a complaint and, after due enquiry, the petitioner's transfer by order dated 21.02.2024. Considering the good performance of the respondent, he was rightly given charge of Principal by letter dated 14.11.2022 and has been working diligently since then. He further submits that the present petition has been filed with a mala fide intention to harass respondent No. 4, without any valid ground or cause of action, and therefore deserves to be dismissed in the interest of justice.
6. I have heard learned counsel for the parties and perused the material available on record.
7. Considering the facts and circumstances of the case and further submissions advanced by the learned counsel for the parties, and the material placed on record, this Court is of the considered view that the writ petition is wholly misconceived and devoid of merit. The petitioner, who is substantively holding the post of Lecturer (L.B.), does not possess any legal, statutory, or vested right to

claim or insist upon being entrusted with the charge of the post of Principal merely on the basis of seniority or past officiation. It is well settled that assignment of charge to a higher post is a matter of administrative exigency and discretion of the employer and cannot be claimed as a matter of right. The transfer of the petitioner vide order dated 30.09.2022 was effected on administrative grounds, and pursuant thereto, the competent authority, in exercise of its lawful discretion, assigned the charge of Principal to respondent No. 4 vide order dated 14.11.2022. The interim status quo order dated 04.11.2022, as specifically pleaded by the State, was not within the knowledge of the authorities at the time of issuance of the impugned letter, and in any event, such interim protection does not confer upon the petitioner an enforceable right to hold additional charge. The petitioner's reliance on seniority and previous discharge of duties as In-charge Principal does not create any indefeasible entitlement, particularly when the assignment of charge is temporary in nature and subject to administrative assessment. Moreover, the allegations raised against respondent No. 4 are unsupported by cogent material and appear to stem from personal grievance rather than any demonstrable illegality.

8. In view of the settled legal position, absence of any violation of statutory rules, and lack of arbitrariness or mala fides on the part of the respondent authorities, this Court finds no ground to interfere in the administrative decision.

9. Accordingly, the writ petition being devoid of merits is liable to be
and is accordingly **dismissed**.

Sd/-
(Amitendra Kishore Prasad)
Judge

Raghu Jat