



2026:CGHC:9868

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 9606 of 2023**

**1** - Amit Ghosh S/o Late Shri S.N. Ghosh Aged About 56 Years Presently Posted As Assistant Statistical Officer (Original) Post Lecturer (Mathematics) In The Office Of The District Education Officer Durg, R/o Aadharsh Nagar, Durg, District Durg, Chhattisgarh.

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

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

**2** - Director Directorate Of Public Instruction Mantralaya Indravati Bhawan, Nava Raipur, District Raipur (C.G.).

**3** - Commissioner Directorate Of Public Instruction, Mantralaya Indravati Bhawan, Nava Raipur, District Raipur (C.G.).

**4** - District Education Officer, Durg District Durg (C.G.).

**5** - District Education Officer Kawardha, District Kabirdham (C.G.).

**... Respondent(s)**

|                         |   |                                        |
|-------------------------|---|----------------------------------------|
| For Petitioner(s)       | : | Mr. Somkant Verma, Advocate.           |
| For Respondent(s)/State | : | Ms. Vartika Shrivastava, Panel Lawyer. |

**Hon'ble Mr. Justice Amitendra Kishore Prasad**

**Order on Board**

**25/02/2026**

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

*“10.1 That, this Hon'ble Court may kindly be pleased to call for entire records in relates to the case of the petitioner.*

*10.2 That, this Hon'ble Court may kindly be pleased to quashed the impugned order 11.10.2023 (Annexure P-1) passed by the respondent no. 1.*

*10.3 That, this Hon'ble Court may kindly be pleased to direct the respondents authorities to consider the petitioner for grant of promotion to him for the post of Principal w.e.f. 28/05/2016 with all consequential service benefits with fixation of inter seniority in the post of Principal.*

*10.4 That, any other relief which this Hon'ble Court may deem fit and proper may also be passed in favor of the petitioner together with cost of the petition.”*

2. Brief facts of the case, is that, the petitioner was initially appointed as Upper Division Teacher (UDT) Mathematics by order dated 25.11.1986, however, despite his juniors having been promoted to the post of Lecturer with effect from 17.08.1998, he was denied such promotion. Aggrieved thereby, the petitioner filed W.P. No.

5490/2005, and during the pendency of the said writ petition, he was granted promotion to the post of Lecturer with effect from 31.07.2006, thereafter, by order dated 08.03.2010, he was again granted promotion to the post of Lecturer with effect from 13.12.1999 in place of 17.08.1998. Subsequently, W.P. No. 5490/2005 was disposed of by the Hon'ble Court vide order dated 27.09.2013 with a direction that, if the petitioner filed a fresh representation within one month, the same be considered on its own merits expeditiously. In compliance with the said order passed in W.P. No. 5490/2005 (Amit Ghosh vs. State of Chhattisgarh), the petitioner was ultimately granted promotion to the post of Lecturer (Mathematics) with effect from 17.08.1998 by order dated 23.11.2021, and corresponding seniority was also accorded. It is pertinent to mention that between the disposal of the writ petition on 27.09.2013 and the issuance of the order dated 23.11.2021, the petitioner's juniors were promoted to the post of Principal by order dated 25–28.05.2016. Thereafter, upon issuance of the order dated 23.11.2021, the petitioner submitted a representation dated 01.12.2021 to respondent No. 3 seeking promotion to the post of Principal with effect from 28.05.2016 along with fixation of inter se seniority. The said representation was forwarded by the District Education Officer on 15.12.2021, and a repeated representation dated 19.01.2022 was again forwarded on 08.02.2022. Thereafter, the petitioner filed W.P.(S) No. 1668/2022, which was disposed of vide order dated

15.03.2022 with a direction to consider his representation within 90 days from the date of receipt of the certified copy of the order. However, despite receipt of the said order, no action was taken by the respondent authorities, compelling the petitioner to file Contempt Case (C) No. 706/2022, and during the pendency thereof, respondent No. 1, by order dated 11.10.2023, decided the representation and arbitrarily rejected the same.

3. Learned counsel for the petitioner submit that the impugned order suffers from manifest arbitrariness and is liable to be set aside, as the stigmatic observations contained therein are based purely on presumptions and surmises without any supporting material on record, and even a bare perusal of the impugned order reveals that the respondents themselves have no information regarding any departmental enquiry or adverse remark against the petitioner, yet they have unjustifiably assumed the existence of such adverse material to explain the delayed promotion of the petitioner. It is further submitted that the petitioner has throughout maintained an unblemished service record with no adverse entries in his ACRs, and had there been any adverse remark, the same would necessarily have been reflected in his service records and communicated to him after granting due opportunity, whereas the passing of such stigmatic remarks has unfairly cast a shadow on his honest and hardworking careers. Learned counsel further submits that the petitioner cannot be held responsible for any procedural irregularity committed by the respondent State in not

convening a review DPC or in correcting their seniority belatedly, as it was the statutory obligation of the authorities to determine seniority strictly in accordance with law upon consideration of the representations made by the petitioner, and any defect in the order granting seniority is attributable solely to the respondents. It is also contended that even assuming, without admitting, that the correction of seniority was not in accordance with law, the respondents ought to have taken appropriate steps to conduct a review DPC expeditiously instead of passing the impugned stigmatic order and thereafter remaining silent while merely altering the date of promotion for the purpose of seniority. In view of the aforesaid facts and circumstances, learned counsel submits that the impugned order deserves to be quashed and the petition filed by the petitioner deserves to be allowed in the interest of justice.

4. Per contra, learned State counsel submits that the present writ petition is liable to be dismissed. She further submits that before entering into the merits of the present controversy, it is essential to advert to the statutory framework governing the field, namely Rule 12(1)(b) of the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961, which unequivocally regulates the determination of seniority, particularly in respect of promotees vis-à-vis direct recruits. It is contended that Rule 12(1) comprehensively codifies the principles for fixation of seniority so as to obviate any dispute inter se employees, and clause (b)

thereof specifically mandates that where promotions are effected on the basis of selection by a Departmental Promotion Committee (DPC), the seniority of such promotees shall strictly follow the order in which their names are recommended by the DPC. Thus, the recommendation of the DPC constitutes the determinative and foundational criterion for assigning seniority to promoted officers, leaving no scope for deviation on extraneous considerations. Learned counsel emphasizes that the statutory scheme is explicit, unambiguous, and binding, and the department is under a legal obligation to adhere scrupulously to the order of recommendation made by the DPC while fixing seniority. The Rules, having been framed to ensure uniformity, transparency, and avoidance of conflict in service matters, must be enforced in their letter and spirit. In view of the clear mandate of Rule 12(1)(b), any claim contrary to the order of recommendation of the DPC is unsustainable in law, as the seniority of promotees is required to be determined solely and strictly in accordance with the select list prepared by the competent Departmental Promotion Committee.

5. I have learned counsel for the parties and perused the material available on record.
6. Having heard learned counsel for the parties and on perusal of the record, this Court finds that the controversy in the present petition essentially relates to withdrawal/revision of long-settled seniority. Admittedly, the seniority of the petitioner had remained in operation for several years, was reflected in gradation lists. The

impugned order has the effect of unsettling the entire service position of the petitioner after a long lapse of time.

7. Even if the respondents were of the view that the earlier fixation of seniority was not in accordance with the rules, such settled seniority could not have been disturbed in a mechanical manner by passing a paper order without undertaking a proper exercise in accordance with law. Any action having civil consequences, particularly one affecting seniority and promotion, is required to be preceded by a fair procedure, objective consideration of service records, and, wherever necessary, a duly constituted review Departmental Promotion Committee (DPC). The impugned order does not disclose any such comprehensive exercise and appear to be founded only on a notional/paper reassessment of seniority.
8. This Court is of the considered opinion that correction of seniority and consequential re-fixation of promotion, if at all required, must be undertaken only through a lawful review DPC after examining the relevant ACRs/service records and after granting due opportunity to the affected employees. A mere administrative rejection of seniority, without such exercise, cannot be sustained.
9. Consequently, the impugned order dated 11.10.2023 is quashed. The matter is remitted to the competent authority with a direction to reconsider the seniority and promotional claims of the petitioner by convening a review DPC, if so required, strictly in accordance with the applicable rules and procedure. While doing so, the authority shall examine the case of the petitioner vis-à-vis his

juniors and determine whether the petitioner was entitled to promotion on the date claimed by him. If in the review DPC it is found that the petitioner was eligible and entitled to promotion on the relevant dates, he shall be granted notional promotion and consequential service benefits in accordance with law.

10. The aforesaid exercise shall be completed within a reasonable period, preferably within four months from the date of receipt of a copy of this order.

11. Accordingly, the writ petition is **disposed of** in the above terms.

No order as to cost(s).

**Sd/-**

**(Amitendra Kishore Prasad)**

**Judge**

Raghu Jat