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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 11997 of 2025

Virendra Kumar Chouhan S/o Vedram Chouhan Aged About 32 Years Presently Working As Assistant Teacher (L.B.). At. Govt. Primary School, Parsapali, Block Pussore, District- Raigarh (C.G.).

... Petitioner

versus

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

2 - - Director Directorate Of Chhattisgarh Public Instruction, Indrawati Bhawan, Atal Nagar Naya Raipur District- Raipur (C.G.).

3 - Joint Director (Education), Education Division Bilaspur, District- Bilaspur (C.G.).

4 - Collector District- Raigarh (C.G.).

5 - District Education Officer Raigarh, District- Raigarh (C.G.).

6 - Block Education Officer Pussore, District- Raigarh (C.G.).

7 - Bhuneshwar Chouhan Presently Working As Assistant Teacher (L.B.). At. Govt. Primary School, Jharmuda, Block Pussore, District- Raigarh (C.G.).

... Respondents

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For Petitioner	:	Mr. Govind Prasad Dewangan, Advocate
For State	:	Mr. Vivek Verma, Govt. Advocate appears along with Ms. Shailja Shukla, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

28.02.2026

1. Petitioner has filed this writ petition seeking following reliefs:-

10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relates to the case of the petitioner from the possession of respondents for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to set aside the impugned transfer/posting order of the petitioner (Annexure P/1) issued by the respondent no. 5 and kindly further be pleased to set aside the impugned posting order (Annexure p-2) of the respondent no. 7 and also set aside the impugned rejection order of the representation/appeal of the petitioner (Annexure P-3) and pleased to direct the respondents to allow the petitioner to work at the School posted before rationalization process with all consequential benefits.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favor of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner."

2. Learned counsel for petitioner submits that petitioner while working as Assistant Teacher (L.B.) at Govt. Primary School, Jharmuda, Block Pussore, District Raigarh C.G. has been transferred to Govt. Primary

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School, Parsapali, Block Pussore, District Raigarh C.G. under the rationalization policy formulated by the State Govt. upon counseling. Learned counsel for petitioner submits that once respondent authorities came to the conclusion that petitioner is surplus teacher at school, Jharmuda, Block Pussore, District- Raigarh, then no other teacher could have been posted in the same school after transferring the petitioner. Respondent District Education Officer, Raigarh on the same date of transfer of petitioner issued another order dated 04.06.2025 posting respondent no. 7 as Assistant Teacher (LB) in Govt. Primary School, Jharmuda that to under the rationalization policy. The action on the part of District Education Officer is in contravention of the rationalization policy formulated by State Govt. It appears that petitioner has been transferred from Govt. Primary School, Jharmuda only to accommodate respondent no. 7. The representation submitted before Divisional Level Committee constituted under the rationalization policy though has recorded the ground raised by petitioner that after declaring the petitioner to be surplus another teacher has been posted, but has not considered that ground in an appropriate manner and have recorded that posting of petitioner under rationalization policy is not erroneous. He referred, clause VI of rationalization policy in support of his contention.

3. Learned counsel for State submits that pursuant to the directives issued by this Court affidavit has been filed, however, in the affidavit specific averment has not been made to the ground raised by counsel for petitioner with regard to action of District Education Officer in transferring the petitioner under the rationalization policy and posting of

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respondent no. 7 in his place to be whether in contravention of policy of State Govt. or not.

4. I have heard learned counsel for respective parties and perused the documents enclosed along with this writ petition.

5. Petitioner has enclosed the order of transfer and posting of petitioner as also the separate order of posting of respondent no. 7 in the school from where petitioner was transferred and both orders are under the Rationalization Policy. In both the orders it is mentioned that the transfer and posting of surplus teachers. When once petitioner has been transferred treating him to be surplus from Govt. School, Jharmuda, Block Pussore, then respondent no. 7 could not have been posted in the same school by order of same authority of same date i.e. by District Education Officer vide order dated 04.06.2025.

6. Under Clause VI of the Rationalization Policy procedure for identifying the teacher is clearly mentioned. From the contents of two orders i.e. Annexure P-1 and Annexure P-2 the transfer and posting of order of petitioner and transfer and posting order respondent no. 7 respectively in view of policy formulated by State Govt. it is prima facie appearing that District Education Officer has committed error. If not declaring the petitioner to be surplus teacher, then the posting of respondent no. 7 in place of petitioner in same school .

7. For the forgoing discussion in the opinion of this Court, respondent no. 3 also committed error in not considering the ground raised by petitioner in an appropriate manner in the light of policy of State Govt. dealing with the issue raised and rejecting the application, therefore,

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the decision of respondent no. 3 dated 10.09.2025 Annexure P-3 is not sustainable. Accordingly, it is set aside.

8. The matter is remitted back to respondent no. 3 for considering and deciding the representation of petitioner, considering all the clauses of the regularization policy and to pass order afresh. This exercise be completed within further period of three week's from the date of receipt of the order.

9. Respondent no. 3 shall also give opportunity of hearing to respondent no. 7 while passing the order afresh on the representation submitted by petitioner.

10. With the aforesaid direction, this writ petition stands **allowed** in part**.**

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
Judge

Alfiza