



2026:CGHC:21462

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 12601 of 2025**

Tej Kumar Tirkey S/o Bodhan Sai Aged About 36 Years Posted As Lecturer (LB), English T-Cadre At Govt. Boys Higher Secondary School, Sitapur, Block Sitapur, Distt. Surguja C.G.

**... Petitioner(s)**

**versus**

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

**2 - Director, Directorate Of Public Instruction, First Floor, Block-C, Indravati Bhawan, Naya Raipur, District Raipur C.G.**

**3 - Commissioner, Surguja Division, Ambikapur, Distt. Surguja C.G.**

**4 - Collector, Ambikapur, Distt. Surguja C.G.**

**5 - Joint Director, Department Of School Education, Surguja Division, Ambikapur, Distt. Surguja C.G.**

**6 - District Education Officer, Ambikapur, Distt. Surguja C.G.**

7 - Block Education Officer, Block - Sitapur, Distt. Surguja C.G.

8 - Principal, Govt. Boys Higher Secondary School, Sitapur, Block Sitapur, Distt. Surguja C.G.

9 - District Education Officer, Distt. Sukma C.G.

10 - Block Education Officer, Distt. Sukma C.G.

11 - Principal, Govt. High School, Chintalnar, Block- Konta, Distt. Sukma C.G.

12 - Shri Mithilesh Kumar Tiwari, Presently Transferred And Posted As Lecturer (L B), English T-Cadre At Govt. Boys Higher Secondary School, Sitapur, Block Sitapur, Distt. Surguja C.G.

... Respondent(s)

**(Cause title is taken from Case Information System)**

---

For Appellant	: Mr. Kishore Narayan, Advocate
For Respondent/ State	: Ms. Anuja Sharma, Dy. Govt. Advocate

---

**Hon'ble Shri Bibhu Datta Guru, Judge**

**Order on Board**

**07.05.2026**

1. The present writ petition has been filed by the petitioner seeking quashment of his impugned transfer order dated 12.06.2025 (Annexure P-1) and also seeking quashment of order dated 13.06.2025, 30.06.2025 & 25.09.2025.
2. Learned counsel for the petitioner submits that the impugned orders, whereby the petitioner has been transferred from Govt.

Boys Higher Secondary School, Sitapur, District Surguja to High School, Chintalnar, Block Konta, District Sukma, have been passed by the respondent authorities in an illegal and arbitrary manner and are contrary to the provisions of the rationalization policy. He further submits that the petitioner has been transferred without proper justification and in disregard of the norms prescribed under the applicable policy governing rationalization and transfer of teachers. He also submits that the impugned transfer order has caused serious hardship to the petitioner.

3. 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).”

4. 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.
5. 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 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.
6. Accordingly, the present appeal is **dismissed** in terms of the order dated **18.09.2025** passed in **WA No. 674 of 2025**.

Sd/-

**(Bibhu Datta Guru)**  
**JUDGE**