



2026:CGHC:3179-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 32 of 2026

Sudipta Pradhan S/o Nandlal Pradhan Aged About 35 Years Posted As Principal, Swami Atmanand Excellent English Medium School, Sarangarh, District- Sarangarh-Bilaigarh (C.G.)

... Appellant

versus

- 1 – State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur (C.G.)
- 2 - Under Secretary School Education Department, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur (C.G.)
- 3 - Director Directorate of Public Instruction 1st Floor Indrawati Bhawan, Naya Raipur, Atal Nagar, Raipur, District- Raipur (C.G.)
- 4 - Collector Sarangarh-Bilaigarh District- Sarangarh-Bilaigarh (C.G.)
- 5 - District Education Officer Sarangarh-Bilaigarh, District- Sarangarh-Bilaigarh (C.G.)
- 6 - L.P. Patel Posted As Principal Swami Atmanand Excellent English Medium School Sarangarh, District- Sarangarh-Bilaigarh (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Appellant	: Mr. Zainab Mustafa Vanak, Advocate
For Respondent-State	: Mr. Prasun Kumar Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

20.01.2026

1. Heard Ms. Zainab Mustafa Vanak, learned counsel for the appellant as well as Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing for the State/respondents No.1 to 5.
2. By way of this writ appeal, appellant has prayed for following relief(s):-

“3.1 That, the Hon’ble Court may kindly be pleased to set aside/quash the impugned order dated 28/11/2025 (Annexure A/1) passed by the Hon’ble Single Bench in WPS 13418/2025 in Sudipta Pradhan vs State of C.G. & ors.

3.2 That this Hon’ble Court may kindly be pleased to set-aside/quash the impugned transfer order Dated 06.10.2025 issued by respondent Under Secretary, School Education Department (Annexure A/2), or in an alternative to direct the respondent State to post private respondent L.P. Patel to any other place instead of petitioner’s place of posting.

3.3 That the Hon’ble Court may kindly be pleased to direct the respondent state to keep the petitioner posting at Principal, Swami Atmanand Excellent English Medium School Sarangarh District Sarangarh-Bilaigarh as intact.

3.4 That, to kindly grant to any other writ/writs, order/orders, relief/reliefs in favour 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.”

3. The present intra Court appeal has been filed against the order dated 28.11.2025 passed by the learned Single Judge in WPS No.13418/2025 (*Sudipta Prashan v. State of Chhattisgarh and others*), whereby the writ petition filed by the appellant/writ petitioner has been dismissed.
4. Brief facts projected before the learned Single Judge are that the appellant/writ petitioner holds a substantive post of Lecturer and, after following the due process of selection, was appointed as Principal of the concerned institution. It is contended that the subsequent appointment of respondent No. 6 as Principal was made dehors the terms of the advertisement and is therefore illegal and liable to be set aside. It is further submitted that the appellant/writ petitioner was appointed on deputation for a fixed tenure of four years and, as such, he could not have been prematurely removed prior to completion of the deputation period.
5. Aggrieved thereby, the appellant/writ petitioner preferred a writ petition bearing WPS No.13418/2025, which was dismissed by the learned Single Judge vide order dated 28.11.2025.
6. Feeling aggrieved by the order dated 28.11.2025 passed in WPS No.13418/2025, the present appeal has been filed by the appellant/writ petitioner.
7. Learned counsel for the appellant/writ petitioner submits that the appellant/writ petitioner's substantive post is that of Lecturer and he was initially posted at Government Multipurpose Higher

Secondary School, Sarangarh, which was subsequently converted into Swami Atmanand Excellent English Medium School, Sarangarh, District Sarangarh–Bilaigarh. It is submitted that vide order dated 18.05.2020 issued by the Under Secretary, School Education Department, it was decided that Hindi Medium Schools of the State of Chhattisgarh would be operated through registered societies and the post of Principal therein would be filled on deputation, such deputation being granted by the School Education Department. Pursuant thereto, the Director, Directorate of Public Instruction, Raipur, issued an advertisement inviting applications for deputation to the post of Principal in Swami Atmanand English Medium Schools.

8. Learned counsel submits that the appellant/writ petitioner fulfilled all the eligibility conditions prescribed for deputation and accordingly applied. Thereafter, vide order dated 12.04.2022 issued by the Under Secretary, School Education Department, the appellant/writ petitioner was duly appointed as Principal on deputation and posted at Swami Atmanand Excellent English Medium School, Sarangarh, District Sarangarh–Bilaigarh. The said order specifically stipulates that the deputation period shall be for a maximum of four years and any premature repatriation prior to completion of the said period would require prior approval of the State Government, and that other service conditions would be governed by the departmental order dated 25.02.2021. It is further submitted that as per the departmental order dated

25.02.2021, the deputation period commences from the date of assumption of charge and may extend up to a maximum of four years, subject to extension or reduction only by the State Government. The appellant/writ petitioner, having been posted on 12.04.2022, has completed only about three years and six months of deputation and thus continues to be well within the prescribed tenure.

9. Learned counsel contends that despite this, vide the impugned posting order dated 06.10.2025, the respondent Department revoked the suspension of the private respondent and posted him as Principal of the same school in place of the appellant/writ petitioner. The impugned action has been taken without following the due process of law, without completing the appellant/writ petitioner's deputation tenure and without even issuing any order of repatriation, though there is only one sanctioned post of Principal in the said school. It is further submitted that the private respondent does not fulfil the eligibility conditions for deputation to Swami Atmanand Excellent English Medium School, inasmuch as his substantive post itself is that of Principal, and therefore his posting on deputation is de hors the governing policy and rules.
10. Learned counsel lastly submits that this Court, in a similar circumstance in WPS No.5564/2016 (Mohammad Ayub Sheikh vs. State of C.G. & others), had protected the continuance of the incumbent at the place of posting, and the same principle applies

to the present case, entitling the appellant/writ petitioner to continue till completion of his deputation tenure.

- 11.** On the other hand, learned State counsel opposes the submissions of learned counsel for the appellant/writ petitioner and submits that the appellant/writ petitioner has no indefeasible or vested right to continue on the post of Principal for the entire period of deputation and that deputation, by its very nature, is always subject to administrative exigencies and the pleasure of the employer. It is contended that the competent authority is empowered to recall a deputationist at any point of time in public interest and for valid administrative reasons.
- 12.** Learned State counsel further submits that the impugned posting order dated 06.10.2025 has been issued strictly in accordance with law by the competent authority after revocation of suspension of the private respondent and the same cannot be said to be arbitrary or illegal. It is argued that posting and transfer fall within the exclusive domain of the employer and the scope of judicial interference is extremely limited unless the action is shown to be mala fide or in violation of statutory rules, which is not the case here. It is further submitted that the conditions governing deputation clearly provide that the deputation period may be curtailed or reduced by the State Government and, therefore, the appellant/writ petitioner cannot insist upon completion of the full deputation tenure as a matter of right. Learned State counsel

submits that the impugned action has been taken in administrative interest and in exigencies of service, and thus calls for no interference by this Court.

13. We have heard learned counsel for the parties at length and have carefully considered the rival submissions advanced on their behalf as also the impugned order.
14. After appreciating the submissions of learned counsel for the parties as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“5. From the record, it is evident that the petitioner’s substantive post is Lecturer and his appointment as Principal was only by way of deputation and his parent department is still the School Education Department. On the contrary, Respondent No. 6 holds the substantive post of Principal. The State, therefore, has not acted illegally in appointing Respondent No. 6 to the post of Principal. A deputation is inherently subject to the discretion of the employer and can be withdrawn at any time. Hence, the petitioner’s contention that he is entitled to continue for four years on deputation is misconceived and deserves to be rejected.

6. Accordingly, the writ petition (S) is devoid of merit and it is dismissed.”

15. It is not in dispute that the appellant/writ petitioner holds a substantive post of Lecturer and was appointed as Principal

purely on deputation. The nature of deputation is well settled in law, being temporary, revocable, and subject to the discretion of the employer, unless specifically protected by statutory rules. The appellant/writ petitioner cannot claim an indefeasible or vested right to continue on the deputed post for the entire period mentioned in the order of deputation, particularly when the governing policy itself reserves the power with the State Government to curtail or reduce the deputation period in administrative exigencies.

- 16.** The learned Single Judge has rightly taken note of the crucial fact that respondent No. 6 holds a substantive post of Principal, whereas the appellant/writ petitioner does not. The posting of a person holding a substantive post of Principal, upon revocation of suspension, cannot be said to be arbitrary, illegal or violative of any statutory provision. The discretion exercised by the State in such matters falls squarely within the administrative domain of the employer, and in the absence of any allegation or material establishing mala fides, statutory violation or colourable exercise of power, judicial interference is not warranted.
- 17.** This Court also finds no infirmity in the reasoning of the learned Single Judge that deputation by its very nature is terminable at any time and the mere mention of a maximum tenure does not create an enforceable right to serve for the entire period. The policy governing deputation itself permits the State Government to

reduce the deputation period, and therefore, the appellant/writ petitioner's insistence on continuance till completion of four years is legally untenable.

18. The reliance placed by learned counsel for the appellant/writ petitioner on the decision in *WPS No.5564/2016 (Mohammad Ayub Sheikh vs. State of C.G. & others)* is of no assistance to the appellant/writ petitioner, as the facts of the said case are distinguishable and the relief therein was granted in the peculiar facts and circumstances of that case. It does not lay down any absolute proposition that a deputationist must be allowed to continue for the entire tenure irrespective of administrative requirements.
19. In view of the aforesaid analysis, this Court is satisfied that the impugned transfer/posting order dated 06.10.2025 does not suffer from arbitrariness, illegality or procedural impropriety, nor does the impugned order dated 28.11.2025 passed by the learned Single Judge call for interference in exercise of appellate jurisdiction.
20. Accordingly, the writ appeal being devoid of merit is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice