



2026:CGHC:10424



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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 206 of 2026**

Pinku Sharma S/o Late Shri Umesh Sharma Aged About 41 Years Presently Posted As Lecturer (English), Government Higher Secondary School, Ramnagar, Block And Distt. Surajpur, Chhattisgarh.

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

1 - State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, Chhattisgarh.

2 - Director Public Instructions, Indrawati Bhawan, Naya Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.

3 - District Education Officer Surajpur, Distt. Surajpur, Chhattisgarh.

4 - Block Education Officer Block Surajpur, Distt. Surajpur, Chhattisgarh.

5 - Principal Government Higher Secondary School, Ramnagar, Block And Distt. Surajpur, Chhattisgarh.

6 - District Rationalisation Committee Surajpur, Through Its Chairman, Distt. Surajpur, Chhattisgarh.

7 - Divisional Rationalisation Committee (Constituted Vide Notification Dated



07-07-2025, Through Its Secretary, Office Of Joint Director, School Education, Ambikapur, Distt. Surguja, Chhattisgarh.

8 - District Education Officer Jashpur, Distt. Jashpur, Chhattisgarh.

9 - Principal Government Higher Secondary School, Baro, Block Farsabahr, Distt. Jashpur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Mr. Manish Nigam, Advocate
For State	:	Ms. Anuja Sharma, Dy. Govt. Advocate

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

Order on Board

27/02/2026

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

“10.1 To issue a writ in the nature of certiorari or any other appropriate writ, order or direction, quashing and setting aside the transfer order dated 6/6/2025 & relieving order dated 9/6/2025 (Annexure P/1).

10.2 To issue a writ in the nature of certiorari or any other appropriate writ, order or direction, quashing and setting aside the rejection order dated 26.06.2025 (Annexure P/2) passed by the District Education Officer, Surajpur.

10.3 To issue a writ in the nature of certiorari or any other appropriate writ, order or direction, quashing and setting aside the order dated 24.09.2025 (Annexure P/3) passed by the Divisional Rationalisation Committee constituted vide notification dated 07.07.2025.

10.4 That this Hon'ble Court may kindly be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent authorities to treat the petitioner as continuing against a sanctioned



post of Lecturer (English) at Government Higher Secondary School, Ramnagar, Block and District Surajpur, Chhattisgarh, and to permit him to discharge his duties there, with all consequential benefits, including continuity of service.

10.5 That this Hon'ble Court may kindly be pleased to grant any other or further relief to which the petitioner may be found entitled in the facts and circumstances of the present case, in the interest of justice.”

2. Learned counsel for the petitioner submits that petitioner is Lecturer (LB) of English subject. While he was posted in Govt. Higher Secondary School, Ramnagar, Block and District- Surajpur, he was declared to be surplus Teacher, and it was ordered to be posted at Govt. Higher Secondary School, Baro, Block Farsabahal, District- Jashpur. Transfer of petitioner under rationalisation policy to other school treating him to be surplus is erroneous. On the date of sending the name of Teachers treating them to be surplus, petitioner was the only Lecturer of English subject at Govt. Higher Secondary School, Ramnagar and therefore he could not be treated to be a surplus Teacher. Petitioner has sought information of Teachers working in Govt. Higher Secondary School, Ramnagar by way of filing an application under RTI Act on 23.10.2025, upon which, he was supplied information about the status of Smt. Rekha Tripathi (Vidya Mitani/Guest Teacher) to have worked from 20th December 2024 till 30th April 2025 only. This information is supplied under RTI Act in the month of October 2025 and from which it is clearly apparent that after 30th April 2025, said Guest Teacher was not engaged or is not working and therefore



as of now there is no Lecturer (English) at Govt. Higher Secondary School, Ramnagar.

3. Learned counsel for the State submits that authority considering the rationalization policy formulated by State Govt. had initiated proceeding and petitioner has been found to be surplus and accordingly, he was transferred to Govt. Higher Secondary School, Baro where petitioner did not join and therefore proposal has been forwarded to initiate proceedings against the petitioner.
4. I have heard learned counsel for the parties and also perused the documents annexed along with writ petition.
5. Case of petitioner is that in Govt. Higher Secondary School, Ramnagar as of now, two posts of Lecturer (English) are sanctioned . It is further contention of learned counsel for the petitioner that on the date of passing of order of transfer under rationalization policy treating the petitioner to be surplus Teacher, petitioner was the only Lecturer (English) posted at Govt. Higher Secondary School, Ramnagar. Petitioner has also placed on record the facts, to overcome the Circular of State Govt. that wherever the Guest Teacher/Faculty is working, the other regular Teacher has to be treated as surplus, information supplied by Principal that Guest Faculty had worked from 20th December 2024 till 30th April 2025 only.
6. In the aforementioned facts of case, when the information is supplied to petitioner under RTI Act stating that Guest Faculty/Guest Teacher worked till 30th April 2025 only, it is appearing that as of now no other Lecturer (English) is posted at Govt. Higher Secondary School Ramnagar, Block and District- Surajpur. There is no specific reply in



this regard by State also in their reply. It is also contention of learned counsel for the petitioner that name of petitioner is forwarded by the authority to be surplus Teacher only after April 2025 and in para 8.4 of writ petition it is pleaded that petitioner was not surplus employee. In absence of any specific rebuttal by the State Govt. in its reply, pleading made in writ petition is to be considered to be admitted by respondent-State.

7. In absence of any rebuttal pleading to documents enclosed along with writ petition more so information supplied by Principal of Govt. Higher Secondary School, Ramnagar under RTI Act with respect to status of Guest Teacher who has been shown to have worked till 30th April 2025 only, in the opinion of this Court, it cannot be said that posting of petitioner as Lecturer (English) in Govt. Higher Secondary School, Ramnagar is in surplus and therefore order Annexure P-1 which is an order of transfer and posting of petitioner considering him to be surplus, in the light of policy of the State Govt., is not sustainable in eyes of of law. Accordingly, order dated 06.06.2025 (Annexure P-1) is quashed. Consequence to follow.
8. Writ petition is accordingly allowed.

Sd/-

(Parth Prateem Sahu)
Judge