



2026:CGHC:4297-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 68 of 2026**

Smt. Ranjna Devi Norge W/o Shri Dinesh Kumar Norge Aged About 40 Years Occupation Shikshakarmi Grade 2 R/o Paraspali Choria Block Bamhnidih, District Janjgir Champa, C.G.

... Appellant**versus**

- 1** - State of Chhattisgarh Through- Secretary, School Education Department Chhattisgarh Government, Naya Raipur, District Raipur, C.G.
- 2** - Director Lokshikshan Sanchnalaya Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, C.G.
- 3** - Collector District Janjgir Champa, Chhattisgarh
- 4** - Chief Executive Officer Jila Panchayat Janjgir Champa District Janjgir Champa Chhattisgarh
- 5** - Chief Executive Officer Janpad Panchayat Bamhnidih, District Janjgir Champa, Chhattisgarh
- 6** - District Education Officer Janjgir Champa, District Janjgir Champa Chhattisgarh
- 7** - Block Education Officer Bamhnidih, District Janjgir Champa, Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Abdul Wahab Khan, Advocate
For State/Respondents	:	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

27.01.2026

1. Heard Mr. Abdul Wahab Khan, learned counsel for the appellant as well as Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing for the State/respondents.
2. By way of this writ appeal, appellant has prayed for following relief(s):-

"It is therefore prayed that the Hon'ble Court may kindly be pleased to allow the appeal and set aside / quash the impugned order dated 04.12.2025 (Annexure A1) and may kindly be pleased to grant following relief :-

(i) To direct the respondent authority to consider the case of the petitioner after giving proper opportunity of hearing to him.

(ii) To direct the respondent authority to allow the petitioner to assume his charge.

(iii) Any other relief that may be deem fit and proper may also be granted to the appellant."

3. The present intra Court appeal has been filed against the order dated 04.12.2025 passed by the learned Single Judge in WPS No.2902/2023 (*Smt. Ranjna Devi Norge v. State of Chhattisgarh and others*), whereby the writ petition filed by the writ petitioner has been dismissed.



4. The brief facts projected before the learned Single Judge were that the writ petitioner was appointed as Education Personnel, Class-II, on 20.12.2010. On 25.10.2013, due to sudden ill-health, she proceeded to her native village after duly informing the Head of Institution. Upon recovery, when she returned to join duty, the Headmaster verbally directed her to submit her joining before the Block Education Officer, Bamhnidih, and accordingly, she submitted a joining application on 28.04.2014.
5. Despite submission of the joining application, her joining was not accepted, and she was repeatedly informed that instructions were awaited from the Directorate. Over the subsequent years, the writ petitioner submitted multiple applications, but no decision was communicated to her, nor was her attendance recorded.
6. Ultimately, following the Court's order dated 19.12.2022, respondent No. 2 directed respondent No. 4 on 06.02.2023 to examine and decide her joining/leave matter. However, respondent No. 4, without granting any proper hearing, rejected her application by order dated 31.03.2023.
7. Aggrieved by the alleged arbitrary and unjust action, the writ petitioner has filed the writ petition bearing WPS No.2902/2023, which was dismissed vide order dated 04.12.2025.
8. Calling in question the legality and propriety of the order dated 04.12.2025, the appellant has filed the instant writ appeal.



9. Learned counsel for the appellant/writ petitioner submits that the learned Single Judge ought to have examined the matter comprehensively on the merits, taking into account all facts and the policies adopted by the respondents in similar cases. The writ petitioner had produced medical certificates to the authorities, but despite this, the respondents failed to consider the same and did not hand over the charge. Vide order dated 06.02.2023, the respondents themselves acknowledged the production of medical certificates, yet the writ petitioner continued to be denied her charge, amounting to persistent and unnecessary harassment. He further submits that the impugned order dated 31.03.2023 was passed by respondent No. 4 without affording the writ petitioner any proper opportunity of hearing, which is arbitrary and in violation of the principles of natural justice. The proviso to Section 11(2) of the Chhattisgarh Civil Services Leave Rules, 2010, clearly mandates that a reasonable opportunity be given to explain the reasons for absence before action is taken. In the present case, no show-cause notice was issued, and the impugned order was passed without compliance with the rules, rendering the action bad in law. It is contended that learned Single Judge ought to have appreciated that the arbitrary denial of the writ petitioner's right to assume charge and the issuance of the impugned order constitute a clear violation of rules and principles of fairness, and the matter deserved to be decided on its merits rather than being dismissed.



10. On the other hand, learned State counsel opposes the submissions advanced by learned counsel for the appellants and submits that the writ petitioner was already aware of the procedure and that her joining could only be processed in accordance with the rules and administrative procedure. The impugned order dated 31.03.2023 was passed in accordance with the provisions of Section 11(2) of the Chhattisgarh Civil Services Leave Rules, 2010, and after due consideration of records. The respondents acted objectively and no arbitrary or unfair action was taken. The writ petitioner's claim for immediate assumption of charge is not tenable, and the petition is devoid of merit.
11. We have heard learned counsel for the parties and perused the impugned order as well as materials available on record.
12. 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:-

“7. From a careful examination of the record, it is evident that the petitioner had rendered only a minimal period of actual service i.e. approximately 45 days, before remaining absent from duty for an extraordinarily long spell of unauthorised leave extending to about 186 days. The petitioner has not been able to justify or satisfactorily explain such prolonged absence during the probation period.

8. As per Rule 11 of the Chhattisgarh Civil



Services (Leave) Rules, 2010, a probationer is not permitted to avail long periods of leave, and prolonged unauthorised absence may, in appropriate circumstances, be treated as abandonment of service. The competent authority, i.e., the Chief Executive Officer, Zila Panchayat, Janjgir-Champa, has considered the petitioner's representation in light of the said rule and has rejected the same by observing that her long unauthorised absence amounts to deemed resignation from service.

9. Having regard to the statutory scheme governing probation and the specific mandate under Rule 11 of the Rules, 2010, this Court finds that the action of the employer cannot be said to be arbitrary or illegal. The petitioner, being a probationer, did not acquire any right to hold the post, and her suitability for regular appointment had to be assessed on the basis of her conduct and performance during the probation period. A probationer who remains absent without authorisation for such an extended duration cannot claim entitlement to reinstatement as a matter of right.

10. The impugned order of the CEO, Zila Panchayat, reflects due consideration of the petitioner's conduct, the applicable rules, and the nature of her absence. No procedural irregularity, perversity, or violation of statutory provisions is made out. The decision to reject her representation and treat her prolonged absence as deemed resignation is well within



the authority of the employer and does not call for interference under writ jurisdiction.

11. In view of the above discussion, this Court is of the considered opinion that the order impugned suffers from no infirmity whatsoever. The writ petition, being devoid of merit, is accordingly dismissed.”

- 13.** Having heard learned counsel for the parties and perused the materials on record, this Court finds that the order dated 31.03.2023, passed by respondent No. 4, and the order dated 04.12.2025, passed by the learned Single Judge in WPS No. 2902/2023, are founded on a thorough consideration of the facts and applicable rules. The writ petitioner was appointed as Education Personnel, Class-II, on 20.12.2010 and was under probation at the relevant time. During the probation period, the writ petitioner remained absent from duty for an extended period of approximately 186 days, notwithstanding the submission of medical certificates and multiple applications.
- 14.** The Chhattisgarh Civil Services (Leave) Rules, 2010, particularly Section 11(2) and its proviso, mandate that a government servant is to be given a reasonable opportunity to explain prolonged absence before any action is taken. It is evident from the record that the competent authority, i.e., the Chief Executive Officer, Zila Panchayat, Janjgir-Champa, duly considered the writ petitioner's representation in the light of the statutory scheme. The authority



found that her prolonged absence during probation could not be justified and, in accordance with Rule 11, treated it as a deemed resignation. The principles governing probationary service are clear: a probationer's entitlement to hold a post is contingent upon satisfactory conduct and performance during the probationary period. Extended unauthorized absence without valid justification cannot create a vested right to assume charge or continue in service.

15. While the writ petitioner contends that she had produced medical certificates, and that her joining should have been facilitated immediately, it is observed that the respondents acted objectively, taking into account the duration and nature of absence, and evaluated the matter in accordance with the rules. The alleged delay in handing over the charge does not amount to arbitrariness, as the statutory framework and administrative procedure were duly followed. Furthermore, the impugned order does not suffer from any procedural irregularity or violation of the principles of natural justice, as the authority considered the circumstances and the impact of prolonged absence on service continuity and administrative functioning.
16. The submissions of the appellant/writ petitioner regarding harassment and denial of opportunity have been considered. It is, however, evident that the respondent authorities acted within their powers and in accordance with the rules, and that the writ



petitioner's failure to justify the prolonged absence during probation weighs heavily against her claim. The factual position, statutory scheme, and settled principles relating to probationary service leave no scope for interference in the administrative decision.

17. The arguments advanced by learned counsel for the appellant/writ petitioner, though noted, do not demonstrate any error of law or procedural impropriety. The impugned orders are consistent with the statutory provisions, reflect due consideration of facts, and are neither arbitrary nor unreasonable. The reliance placed by the writ petitioner on principles of fairness and alleged delay in consideration of her joining cannot override the clear mandate of the rules regarding probation, unauthorized absence, and deemed resignation.
18. In view of the above, this Court finds no merit in the writ appeal. The action of the respondent authorities in rejecting the writ petitioner's representation, treating her prolonged absence as deemed resignation, and passing the impugned order was in accordance with law, consistent with the rules, and free from arbitrariness. The writ petitioner, being on probation, did not acquire any right to assume charge as a matter of right, and her claim for reinstatement cannot be entertained merely on the ground of submission of medical certificates or delay in administrative action.



- 19.** Accordingly, the writ appeal filed by the appellant/writ petitioner is **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu