



2026:CGHC:4546

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1848 of 2023**

1 - Smt. Lata Shriwas W/o Shri Nand Kumar Shriwas Aged About 43 Years R/o H.No.132, Railway Colony Sakti Ward No. 15, District Sakti Chhattisgarh

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

1 - State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, P O And P S Rakhi, District Raipur Chhattisgarh.

2 - Director Public Instructions Chhattisgarh, Raipur, District Raipur Chhattisgarh.

3 - Divisional Joint Director Bilaspur Division Chhattisgarh.

4 - District Education Officer District Sakti Chhattisgarh.

5 - Block Education Officer Malkharoda, District Sakti Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Aniket Verma, Advocate.
For Respondent(s)/State	:	Mr. Hari Om Rai, Panel Lawyer.

**Hon'ble Mr. Justice Amitendra Kishore Prasad****Order on Board****27/01/2026**

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1 That the Hon'ble Court May Kindly be Pleased to quash the Order Dated 23/01/2023 passed by Respondent No.4.

10.2 The Hon'ble Court may kindly be pleased to direct the respondent District Education Officer, Saktito consider the seniority of the petitioner from the date of initial date of appointment/joining on post of the Assistant Teacher/Shiksha Karmi Grade-III and further direct the respondent District Education Officer to allow the petitioner to join on his promotional post..

10.3 The Hon'ble Court may kindly be pleased to direct the respondent authority to consider the seniority from initial date of appointment/joining on the post of Assistant Teacher/ Shiksha Karmi Grade-III of the petitioner for the purpose of promotion.

10.4 The Hon'ble Court may kindly be pleased to grant any other relief which this Hon'ble Court deems fit and proper in favour of the petitioner as per the facts & circumstance of the present case, in the interest of justice."



2. Brief facts of the case, is that, the petitioner was initially appointed as Shiksha Karmi Grade-III on a contractual basis vide order dated 05.09.2003 by Gram Panchayat Pundi, District Korba, and was posted at Primary School, Podi. Subsequently, the State Government, through the Panchayat and Rural Development Department, decided to convert the posts of contractual Teacher Grade-III into regular posts of Shiksha Karmi Grade-III, and accordingly, an order dated 24.05.2005 was issued, whereby all contractual Teacher Grade-III employees were regularized; however, for reasons best known to the respondent authorities, the petitioner was neither informed about the said regularization nor allowed to join her promoted place of posting, as her case was kept in abeyance and she was not relieved. Being aggrieved by such inaction, the petitioner filed Writ Petition No. WPS 9299/2022 before this Hon'ble High Court, which, vide order dated 04.01.2022, directed the respondents to decide her pending representation regarding joining at the promotional post; however, no opportunity of hearing was afforded to the petitioner before passing the adverse impugned order. Despite her name being reflected in the list of promoted employees, the respondents failed to inform her about the alleged cancellation of her promotion. Thereafter, a Departmental Promotion Committee was constituted for promotion to the post of Head Master, Primary School, and after scrutinizing the eligible candidates, it duly recommended the petitioner's name, pursuant to which she was promoted vide order



dated 17.11.2022 under the provisions of the Chhattisgarh School Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019; however, even thereafter, the respondent authorities failed to relieve the petitioner without any justifiable reason, compelling her to file the present petition.

3. Learned counsel for the petitioner submits that the inaction and apathetic attitude of the respondent authorities are unreasonable, unconstitutional, discriminatory, unjust, malafide and violative of Articles 14, 16, and 21 of the Constitution of India as well as the Principles of Natural Justice. It was argued that the petitioner, who was initially appointed as Shiksha Karmi Grade III under the Panchayat and Rural Development Department in various Janpad Panchayats across Chhattisgarh, is employee of the State and is entitled to all service-related benefits. Despite being transferred on her own request in accordance with the government's transfer policy, the State government, vide order dated 30.06.2018, absorbed teachers who had completed eight years of service into the School Education Department but illegally ignored her initial appointment dates for determining eligibility for promotion. Further, the concerned District Education Officer arbitrarily prepared the final gradation list as on 01.04.2022 by counting the petitioners' seniority from the date of joining at the transferred place rather than from the initial date of appointment, contrary to the Chhattisgarh Civil Services (General Condition of Service) Rules, 1961. It was also contended that despite the Deputy



Director issuing instructions to maintain uniformity in preparing seniority lists and despite a circular requiring compliance with the judgment in W.A. No. 475/2015 (Smt. Reeta Singh v. State of Chhattisgarh), the respondent authorities failed to consider these mandatory directions, thereby causing grave injustice to the petitioner. He further submits that the Hon'ble Supreme Court in ***M.B. Joshi v. Satis Kumar Pandey, (1992) Supp 2 SCC 49***, has categorically held that, in the realm of service jurisprudence, where no specific rules governing seniority exist, the seniority of persons holding similar posts in the same cadre must be determined strictly on the basis of the length of their continuous service, and not on the basis of any other extraneous or fortuitous circumstances; therefore, the settled legal position unequivocally mandates that seniority be assigned according to the duration of service rendered, ensuring fairness, uniformity, and adherence to constitutional principles.

4. At the very outset, the Respondent respectfully submits that the Petitioner is not entitled to the reliefs claimed, as the Petitioner was initially appointed as *Shiksha Karmi Grade III* under the Panchayat and Rural Development Department. As per the Clause 9 of the circular it was specifically provided that Teachers (Panchayat) cadre who were transferred before their absorption on their own request, will be entitled to seniority from the date of their posting at the place of their choice. Accordingly, in compliance with the said circular, the Petitioner was rightly placed



at the bottom of the seniority list of *Shiksha Karmi Grade III* in Janpad Panchayat. Subsequently, the Petitioner, along with other *Shiksha Karmis*, was absorbed into the School Education Department vide order dated 30.6.2018. Therefore, in view of the foregoing submissions, the present petition is devoid of merit and deserves to be dismissed *in limine*.

5. I have heard both the counsel for the parties and perused the documents available on record.
6. Having considered the facts and circumstances of the case, the submissions of both parties, and the relevant legal provisions, this Hon'ble Court finds that the request of the petitioner to has her seniority calculated from the date of her initial appointment rather than the date of transfer is reasonable, especially in light of the fact that the district of posting remained the same, and no rule mandates the adjustment of seniority based on transfer under the circumstances described.
7. In light of the judgment in ***WPS No. 2263 of 2021 (Omkar Prasad Verma v. State of Chhattisgarh & others)***, where this Hon'ble Court emphasized the correction of seniority lists based on the initial date of appointment, the Court finds merit in the petitioner's claim. The petitioner's seniority should be determined from the original date of appointment as Shiksha Karmi Grade III in the year 2005, rather than from the date of transfer in 2012.
8. Accordingly, the order dated 23.01.2023 is hereby quashed, and the petition is disposed of with a direction to the concerned



respondent authorities to re-examine the seniority of the petitioner in accordance with the applicable rules and legal provisions, considering her initial date of appointment, and to complete this process within 60 days from the date of receipt of this order. The authorities shall consider all relevant legal provisions, including the Transfer Policy and other applicable guidelines, to ensure that the seniority of the petitioner is computed fairly and in accordance with established rules. In case any discrepancy is found or further clarification is required, the authorities shall take prompt corrective action to rectify the same and ensure correct computation of seniority. Any consequential benefits arising from such correction shall be extended to the petitioners in accordance with law.

9. The petition is thus disposed of with the above directions.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Raghu Jat