



CGHC010273812026



2026:CGHC:30354

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5429 of 2026

Harishankar Joshi S/o Budharu Lal Joshi Aged About 56 Years
Occupation Principal P.M. Shri Swami Atmanand Excellent English
Medium Govt. Higher Secondary School Lavan District Baloda Bazar
Bhatapara C.G. R/o Shri Hari Niwas, Behind Radha Swami Satsang
Balodabazar District Balodabazar Bhatapara C.G.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Its Secretary School Education
Department Mahanadi Bhawan Atal Nagar Naya Raipur District
Raipur C.G.

2 - The Director Public Instruction Department Directorate
Indrawati Bhawan, Naya Raipur Atal Nagar District Raipur C.G.

3 - The Joint Director Education Division Raipur, District Raipur C.G.

4 - District Education Officer, Balodabazar District Balodabazar
Bhatapara C.G.

5 - Sandeep Sharma S/o Shri Ashok Prasad Sharma Aged About 56

Years Occupation In Charge District Education Officer, District
Balodabazar Bhatapara C.G.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	:Ms. Hamida Siddiqui, Senior Advocate, along with Ms. Mahima Chandra, Advocate
For Respondent/State	:Shri Vivek Verma, Govt. Advocate
For Intervenor	:Shri Amrito Das, Senior Advocate along with Shri Shreyansh Mehta, Advocate

HON'BLE SHRI JUSTICE BIBHU DATTA GURU

Order on Board

17.07.2026

1. By the present writ petition, the petitioner is seeking for the following reliefs :-

"10.1 That, the Hon'ble court may kindly be pleased to quash/set-aside the impugned order dated 10-06- 2026 (Annexure P-1) passed by respondent no. 1 to the extent that it gives charge of the post of District Education officer to private Respondent no. 5, for being violative of Chhattisgarh School Education Services (educational and Administrative Cadre) Recruitment and Promotion Rules, 2026 read with standing Circular dated 04/08/2011, in the interest of justice.

10.2 That, the Hon'ble court may kindly be pleased to direct the Respondent no. 1 to consider the representation of the Petitioner dated 15/06/2026 and consider him to entrust the charge of the post of

District Education Officer, District- Baloda Bazar-Bhatapara (C.G.) to the petitioner till there is regular appointment to the post of District Education Officer, District- Baloda Bazar- Bhatapara (C.G.), considering the seniority of the petitioner as per the gradation list dated 28/03/2025, & Rules, 2016.

10.3 That, this Hon'ble Court further pleased to grant such other relief(s) as may be deemed fit and proper in the interest of justice and fair play.."

2. Learned counsel for the petitioner would submit that the petitioner is presently working as Principal in the P.M. shri Swami Atmanand Excellent English Medium Govt. Higher Secondary School, Lavan, District- Baloda Bazar-Bhatapara, (C.G.). According to the petitioner, in the State level seniority list of Principals and Block Education Officers, the name of the petitioner is at serial No. 980, whereas the name of the respondent No. 5 does not find place in the said seniority list. He would submit that the respondent No. 5 is much junior to the petitioner in the cadre of Principal and has not acquired comparable experience or seniority. In fact the respondent No. 5 was promoted on the post of Principal by order dated 30.04.2025 i.e. after publication of the gradation list dated 28.03.2025 as on 01.04.2023. Despite the said fact, the charge

of District Education Officer District Baloda Bazar- Bhatapara has been given to the respondent No. 5 by order dated 10.06.2026, wherein the name of the respondent No. 5 is at serial no. 9. The impugned action is contrary to the circular dated 04.08.2011, 16.05.2012, 07.02.2013 and 14.07.2014, wherein it has been directed to all the department not to give the charge of higher posts to the junior ignoring the senior officers.

3. On the other hand, learned counsel appearing for the State would oppose the aforesaid submission of the petitioner and would submit that the impugned order has been passed by the respondent authorities after considering all the aspects of the matter and that too after obtaining due coordination.
4. I have heard, learned counsel for the parties and perused the documents appended with the writ petition.
5. It is an admitted fact that the petitioner and the respondent No. 5 are working as Principal. The petitioner promoted to the post of Principal by order dated 04.06.2016, wherein his name is at serial No. 18. According to the petitioner, the respondent No. 5 promoted to the post of Principal on 30.04.2025. From the said fact, it is quite vivid that the petitioner is much senior

to the respondent No. 5.

6. The State Government vide Circular dated 04.08.2011, 16.05.2012, 07.02.2013 and 14.07.2014 directed all the departments of the state government not to give the charge of higher post to the juniors ignoring the senior officer.
7. It would be apt to quote relevant part of the circular dated 14.07.2014 for ready reference, which reads thus:-

"सामान्य प्रशासन विभाग के संदर्भित परिपत्र द्वारा यह निर्देश प्रदान किए गए हैं कि विभागों में रिक्त वरिष्ठ पदों का चालू प्रभार संवर्ग के वरिष्ठ अधिकारियों को बिना किसी युक्तियुक्त प्रशासकीय कारण से बाईपास करते हुए कनिष्ठ अधिकारियों को न सौंपा जाए। उक्त ज्ञापन में यह भी निर्देश दिए गए हैं कि जिन विभागों में इस तरह के कनिष्ठ अधिकारी वरिष्ठ पदों के प्रभार में हैं, उन्हें प्रशासकीय विभाग / विभागाध्यक्ष द्वारा तत्काल भारमुक्त किया जाकर वरिष्ठ एवं योग्य अधिकारियों को ही प्रभार दिया जाए।

2/ उपरोक्त निर्देशों का अनुपालन सुनिश्चित करने हेतु समय-समय पर सामान्य प्रशासन विभाग के समसंख्यक ज्ञापन दिनांक 16.5.2012 एवं 7.2.2013 द्वारा निर्देश भी जारी किए गए हैं।

3/ मैं सभी विभागीय सचिवों / विभागाध्यक्षों से यह अपेक्षा करता हूँ कि उपरोक्त निर्देशों का कड़ाई से पालन करना सुनिश्चित किया जाए। विशेषकर वर्तमान स्थानांतरण नीति के तहत विभागों में किए जाने वाले स्थानांतरणों के दौरान उपरोक्त निर्देशों के उल्लंघन की स्थिति निर्मित नहीं होनी चाहिए, अन्यथा इसके लिए संबंधित विभागीय सचिव जिम्मेदार होंगे।"

8. Having considered the entire fact situation of the case and particularly considering the fact that the charge of District

Education Officer has been given to respondent No. 5, who is much junior to the petitioner and the same is contrary to the circular dated 04.08.2011, 16.05.2012, 07.02.2013 and 14.07.2014. I am of the considered view that the impugned order is not sustainable and the same deserves to be quashed.

9. In view of the above, the impugned order dated 10.06.2026, (Annexure P/1) passed in respect of respondent No. 5, is hereby quashed. The respondent authorities, however, are at liberty to pass appropriate order in respect of giving the charge of District Education Officer Baloda Bazar-Bhatapara to the appropriate Officer.
10. In the result, the writ petition is allowed to the above extent.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Shoaib