



2026:CGHC:27015

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on	:	23 rd June, 2026
Final order delivered on		2 nd July, 2026
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WPS No. 4137 of 2025

- 1 - Chhattisgarh Vidyalayin Shikshak Karmachari Sangh Through Its State President Shri Sanjay Kumar Tiwari S/o Late Shri Ramchand Tiwari Aged 54 Years H.Q. - 624 Prince Colony Laxmi Nagar Raipur District - Raipur (C.G.)
- 2 - Purshottam Lal Sapha S/o Shri Kartik Ram Sapha Aged About 54 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Dundera Block And Durg (C.G.)
- 3 - Jainendra Kumar Ganjir S/o Late Shri Romnath Ganjir Aged About 54 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Teligundra Block Patan District - Durg (C.G.)
- 4 - Sanjay Kumar Chandrakar S/o Kartik Ram Chandrakar Aged About 54 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Alldaras Block And District - Durg (C.G.)
- 5 - Jitendra Kumar Verma S/o Late Dayalu Ram Verma Aged About 55 Years Govt. Middle School Teligundra Block Patan District - Durg (C.G.)
- 6 - Smt. Malti Mandavi W/o Shri Ghanshyam Mandavi Aged About 47 Years Posted As Teacher (Lb). Govt. Middle School Mahkakala Block Patan District - Durg (C.G.)
- 7 - Huleshwar Prasad Tandan S/o Firanta Ram Tandan Aged

About 49 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Tekari Block Patan District - Durg (C.G.)

8 - Khilendra Kumar Sahu S/o Nand Kumar Sahu Aged About 44 Years Posted As Teacher (Lb) . Govt. Middle School Teligundra Block Patan District - Durg (C.G.)

9 - Meena Sinwani W/o Shri Shyamratan Chaturvedi Aged About 42 Years Posted As Teacher (Lb) . Govt. Middle School Parsada Block Patan District - Durg (C.G.)

10 - Thakur Ram Dewangan S/o Late Ramgual Dewangan Aged About 54 Years Posted As Teacher (Lb) Govt. Middle School Borenda Block Patan District - Durg (C.G.)

11 - Rupesh Kumar Sahu S/o Rajpal Sahu Aged About 40 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Bhansuli (R) Block Patan District - Durg (C.G.)

12 - Rajesh Kumar Verma S/o Shri T.R. Verma Aged About 54 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Marra Block Patan District - Durg (C.G.)

13 - Kishor Kumar Dilliwar S/o Shri Lakhan Lal Dilliwar Aged About 47 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Jevra Sirsa Block And District - Durg (C.G.)

14 - Goverdhan Prasad Chandravanshi S/o Late Shri Vishambhar Aged About 54 Years Posted As Teacher (Lb) . Govt. Middle School Ghasidas Nagar Ghughasi Block And District - Durg (C.G.)

15 - Tribhuwan Singh S/o Purshottam Singh Aged About 48 Years Posted As Teacher (Lb) . Govt. Middle School Chandrakhuri Block And District - Durg (C.G.)

16 - Chitrarekha Thakur W/o Chandulal Thakur Aged About 44 Years Posted As Teacher (Lb) Govt. Middle School Chandrakhuri Block And District - Durg (C.G.)

17 - Krihna Kumar Deshmukh S/o Kholbhahara Ram Deshmukh Aged About 49 Years Posted As Teacher (Lb) Govt. Middle School Jevra Sirsa Block And District - Durg (C.G.)

18 - Chetan Singh Sahu S/o Guman Singh Sahu Aged About 52 Years Posted As U.D.T. Govt. Middle School Chandrakhuri Block And District - Durg (C.G.)

19 - Smt. Saroj Khutiyare W/o Omprakash Khutiyare Aged About 50 Years Posted As Asstt. Teacher (Lb) Govt. Primary School

Pisegaon Block And District - Durg (C.G.)

20 - Smt. Meena Bhadauriya W/o Ratnesh Singh Bhadauriya Aged About 40 Years Posted As Asstt. Teacher (Lb) Govt. Primary School Pisegaon Block And District - Durg (C.G.)

21 - Devkinandan Sharma S/o Shri Kailash Chandra Sharma Aged About 41 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Chandakhuri Block And District - Durg (C.G.)

22 - Anupam Agrawal S/o Bramhanand Agrawal Aged About 46 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Chikhli Block And District - Durg (C.G.)

23 - Smt. Meena Sharma D/o Ramvinit Sharam Aged About 51 Years Posted As Teacher (Lb) Govt. Middle School Chikhli Block And District - Durg (C.G.)

24 - Brijkishore Sharma S/o Shri Kailash Chandra Sharma Aged About 48 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Rasmada Block And District - Durg (C.G.)

25 - Hojendra Kumar Verma S/o Shri Jogiram Verma Aged About 48 Years Posted As Teacher (Lb) Govt. Middle School Rasmada Block And District - Durg (C.G.)

26 - Smt. Madhuri Patel W/o Shri Mrinal Patel Aged About 43 Years Posted As Teacher (Lb) Govt. Middle School Pauvara Block And District - Durg (C.G.)

27 - Smt. Niharika Dubey W/o Shri Animesh Kumar Dubey Aged About 44 Years Posted As Teacher (Lb) Govt. Middle School Pauvara Block And District - Durg (C.G.)

28 - Rajeshwar Prasad Deshmukh S/o Shri Agnu Ram Deshmukh Aged About 44 Years Posted As Teacher (Lb) C.A.C. Govt. Middle School Puraina Block Patan District - Durg (C.G.)

29 - Nehru Lal Sonwani S/o Shri Shatruhan Lal Sonwani Aged About 42 Years Posted As Teacher (Lb) Govt. Middle School Dundera Block And District - Durg (C.G.)

30 - Rakesh Kumar Tandan S/o Shri Sohan Tandan Aged About 43 Years Posted As Teacher (Lb) Govt. Middle School Joratarai Block And District - Durg (C.G.)

31 - Smt. Deepa Vishwakarma W/o Shri Ramesh Kumar Aged About 43 Years Posted As Teacher (Lb) Govt. Middle School Joratarai Block And District - Durg (C.G.)

32 - Smt. Ishrat Bano W/o Rasuiddin Aged About 43 Years Posted As Teacher (Lb) Govt. Middle School Dundera Block And District - Durg (C.G.)

33 - Lekhram Chandrakar S/o Late Romlal Chandrakar Aged About 40 Years Posted As Teacher (Lb) Govt. Middle School Gadadih Block Patan District - Durg (C.G.)

34 - Indresh Kumar Banjare S/o Shri O.R. Banjare Aged About 44 Years Posted As Teacher (Lb) Govt. Middle School Khopli Block And District - Durg (C.G.)

35 - Manish Kumar Sahu S/o Mannu Lal Sahu Aged About 39 Years Posted As Teacher (Lb) Govt. Middle School Khopli Block And District - Durg (C.G.)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan Nava Raipur Atal Nagar District - Raipur (C.G.)

2 - The Secretary State Of Chhattisgarh Department Of School Education Mantralaya Mahanadi Bhawan Nava Raipur Atal Nagar District - Raipur (C.G.)

3 - The Director Public Instructions Chhattisgarh H. Q. Indrawati Bhawan Atal Nagar Raipur District - Raipur (C.G.)

4 - The Collector District - Durg (C.G.)

5 - The District Education Officer District - Durg (C.G.)

--- **Respondent(s)**

WPS No. 12633 of 2025

1 - Ramkhilawan Patel S/o Mr. Kawaladhar Patel Aged About 43 Years Post Assistant Teacher (Local Body), Posted At Govt. Primary School, Patelpara Bade Kurushnar, Block Kondagaon, Distt. Kondagaon, Chhattisgarh.

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh.

2 - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh.

3 - The Collector And President District Rationalization Committee, Distt. Kondagaon, Chhattisgarh.

4 - District Education Officer Distt. Kondagaon, Chhattisgarh.

5 - District Education Officer And Secretary District Level Rationalization Committee, Distt. Kondagaon, Chhattisgarh.

6 - Commissioner/president Divisional Rationalization Committee, Baster Division, Jagdalpur, Chhattisgarh.

--- **Respondent(s)**

WPS No. 712 of 2026

1 - Mrs. Kanchan Sahu W/o Late Mr. Someshwar Sahu Aged About 43 Years Post- Teacher (Local Body) Posted At Govt- Upper Primary School, Nara Block- Kanker Distt- Uttar Kanker Cg

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt- Raipur C.G.

2 - Director Public Instruction, Mantralaya Naya Raipur, Distt- Raipur C.G.

3 - The Collector And President District- Rationalization Committee Distt- Uttar Baster Kanker C.G.

4 - District Education Officer District- Uttar Baster Kanker C.G.

5 - District Education Officer And Secretary District- Level Rationalization Committee, Distt- Uttar Baster Kanker C.G.

6 - Joint Director Education Division Baster Jagdalpur Distt- Baster C.G.

7 - Divisional Level Committee Through- Secretary, Division

Baster Jagdalpur Distt- Baster C.G.

8 - Smt. Sindhi Shrivastava Teacher Local Body Govt. Upper Primary School Ghotiya, Block- Kanker Distt- Uttar Kanker C.G.

--- Respondent(s)

WPS No. 14154 of 2025

1 - Smt. Alka Singh W/o Raghuwar Singh Dhruw Aged About 34 Years Posted As Assistant Teacher, Govt. Primary School Kalamdand, Block- Manendragarh Distt- Manendragarh-Chirmiri-Bharatpur C.G.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur, C.G.

2 - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur C.G.

3 - The Collector And President District Rationalization Committee Distt- Manendragarh-Chirmiri-Bharatpur C.G.

4 - District Education Officer Distt- Manendragarh-Chirmiri-Bharatpur C.G.

5 - District Education Officer And Secretary District Level Rationalization Committee Distt- Manendragarh-Chirmiri-Bharatpur C.G.

6 - Divisional Level Committee Through Secretary, Surguja Division, Ambikapur Distt. Surguja, C.G.

--- Respondent(s)

WPS No. 13631 of 2025

1 - Smt. Savita Gendley W/o Sameer Kumar Gupta, Aged About 35 Years Posted At Assistant Teacher, Govt. Primary School, Mauharpara, Ward No. 10, R/o Ward No. 3 Block- Manendragarh Distt. Manendragarh Chirmiri- Bharatpur C.G.

---Petitioner(s)

Versus

- 1** - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur (C.G.)
- 2** - Director, Public Instruction, Mantralaya, Naya Raipur, District Raipur (C.G.)
- 3** - The Collector And President District Rationalization Committee, Distt. Manendragarh- Chirmiri- Bharatpur (C.G.)
- 4** - District Education Officer, Distt. Manendragarh- Chirmiri- Bharatpur (C.G.)
- 5** - District Education Officer And Secretary District Level Rationalization Committee, Distt. Manendragarh- Chirmiri- Bharatpur (C.G.)
- 6** - Divisional Level Committee Education, Sarguja, Division Ambikapur Distt. Sarguja (C.G.)

--- Respondent(s)

WPS No. 12823 of 2025

- 1** - Lavan Singh Dhruwe S/o Mr. Ramadhin Dhruwe Aged About 51 Years Post Teacher (Local Body), Posted At Govt. Upper Primary School, Barvi, Block Bhanupratappur, Distt. Uttar Baster Kanker, Chhattisgarh.

---Petitioner(s)

Versus

- 1** - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh.
- 2** - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh.
- 3** - The Collector And President District Rationalization Committee, Distt. Uttar Baster Kanker, Chhattisgarh.
- 4** - District Education Officer Distt. Uttar Baster Kanker, Chhattisgarh.

5 - District Education Officer And Secretary District Level Rationalization Committee, Distt. Uttar Baster Kanker, Chhattisgarh.

6 - Commissioner/president Divisional Rationalization Committee, Baster Division, Jagdalpur, Chhattisgarh.

--- Respondent(s)

WPS No. 12715 of 2025

1 - Abhilasha Shori D/o Mr. Karan Singh Shori Aged About 45 Years Post Assistant Teacher (Local Body), Posted At Govt. Primary School, Baghapara, Nathiyanawagan, Block Kanker Distt. Uttar Baster Kanker C.G.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur (C.G.)

2 - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur

3 - The Collector And President District Rationalization Committee Distt. Uttar Baster Kanker C.G.

4 - District Education Officer Distt. Uttar Baster Kanker C.G.

5 - District Education Officer And Secretary District Level Rationalization Committee Distt. Uttar Baster Kanker C.G.

6 - Commissioner/ President Divisional Rationalization Committee, Baster Division, Jagdalpur C.G.

--- Respondent(s)

WPS No. 12562 of 2025

1 - Rikeshwar Netam S/o Late Mr. Dayaram Netam Aged About 40 Years Post Teacher (Local Body), Posted At Govt. Upper Primary School, Dumarkot, Block Antagarh, Distt. Uttar Baster Kanker C.G.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur C.G.

2 - Director, Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur C.G.

3 - The Collector And President, District Rationalization Committee, Distt. Uttar Baster Kanker C.G.

4 - District Education Officer, Distt. Uttar Baster Kanker C.G.

5 - District Education Officer And Secretary, District Level Rationalization Committee, Distt. Uttar Baster Kanker C.G.

6 - Commissioner/president, Divisional Rationalization Committee, Baster Division, Jagdalpur C.G.

--- Respondent(s)

WPS No. 12498 of 2025

1 - Mrs. Jyoti Keshri W/o Mr. Omeshwar Prasad Keshri Aged About 36 Years Post Assistant Teacher (Local Body), Posted At Govt. Primary School, Nandanmara, Chhotepara, block Kanker, Distt. Uttar Baster Kanker C.G.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur C.G.

2 - Director, Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur C.G.

3 - The Collector And President, District Rationalization Committee, Distt. Uttar Baster Kanker C.G.

4 - District Education Officer, Distt. Uttar Baster Kanker C.G.

5 - District Education Officer And Secretary District Level Rationalization Committee, Distt. Uttar Baster Kanker C.G.

6 - Commissioner/president, Divisional Rationalization

Committee, Baster Division, Jagdalpur C.G.

--- Respondent(s)

WPS No. 12485 of 2025

1 - Rakesh Kumar Nirmalkar S/o Mr. Punit Ram Nirmalkar Aged About 42 Years Post Teacher (Local Body), Posted At Govt. Upper Primary School, Talabeda, Block Antagarh, Distt. Uttar Baster Kanker, C.G.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur, C.G.

2 - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur

3 - The Collector And President District Rationalization Committee, Distt. Uttar Baster Kanker, C.G.

4 - District Education Officer Distt. Uttar Baster Kanker, C.G.

5 - District Education Officer And Secretary District Level Rationalization Committee, Distt. Uttar Baster Kanker, C.G.

6 - Commissioner / President Divisional Rationalization Committee, Baster Division, Jagdalpur, C.G.

--- Respondent(s)

WPS No. 12447 of 2025

1 - Khilawan Ram Sahu S/o Mr. Ramratan Sahu Aged About 40 Years Post Teacher (Local Body), Posted At Govt. Upper Primary School, Kadhaikhodra, Block Antagarh, Distt. Uttar Baster Kanker, C.G.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur, C.G.

2 - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur

3 - The Collector And President District Rationalization Committee, Distt. Uttar Baster Kanker, C.G.

4 - District Education Officer Distt. Uttar Baster Kanker, C.G.

5 - District Education Officer And Secretary District Level Rationalization Committee, Distt. Uttar Baster Kanker, C.G.

6 - Commissioner / President Divisional Rationalization Committee, Baster Division, Jagdalpur, C.G.

--- **Respondent(s)**

WPS No. 12307 of 2025

1 - Mrs. Sunita Salam W/o Gajendar Kumar Salam Aged About 42 Years Assistant Teacher Local Body Posted At Govt, Balak Ashram, Puswada, Block- Kanker Distt- Uttar Baster Kanker Cg

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through- Its Secretary School Education Department Mantralaya, Naya Raipur, Distt- Raipur Cg

2 - Director Public Instruction Mantralaya, Naya Raipur, Distt- Raipur,

3 - The Collector And President District- Rationalization Committee, District- Uttar Baster Kanker Cg

4 - District Education Officer Distt- Uttar Baster Kanker Cg

5 - District Education Officer And Secretary District- Level Rationalization Committee, Distt- Uttar Baster Kanker Cg

6 - Joint Director Education Division Baster Jagdalpur Distt- Baster Cg

7 - Block Education Officer Block- Kanker, Distt- Uttar Baster Kanker Cg

--- **Respondent(s)**

WPS No. 12280 of 2025

1 - Mrs. Sarita Kumar W/o Mr. Krishna Kumar Aged About 43 Years Post Assistant Teacher Local Body, Posted At Govt. Primary School, Ichhapur, Block Kanker Distt. Uttar Baster Kanker C.G

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur C.G

2 - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur

3 - The Collector And President District Raitonalization Committee Distt. Uttar Baster Kanker C.G.

4 - District Education Officer Distt. Uttar Baster Kanker C.G

5 - District Education Officer And Secretary District Level Rationalization Committee Distt. Uttar Baster Kanker C.G.

6 - Member Secretary Divisional Rationalization Hearing Committee Cum Joint Director, Education Division, Raipur, Integrate Education Complex, First Floor, Pension Bada, Distt. Raipur C.G.

7 - Block Education Officer Block Kanker Distt. Uttar Baster Kanker C.G.

--- Respondent(s)

WPS No. 12240 of 2025

1 - Smt. Bhagwati Bariha W/o Mr. Radheshyam Bariha Aged About 35 Years R/o Village Domarpali, Post Baloda Tahsil Saraipali, Distt. Mahasamund C.G.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, Distt. Raipur C.G

2 - Director Public Instruction, Mantralaya, Naya Raipur, Distt. Raipur C.G.

3 - The Collector And President District Rationalization Committee Distt. Mahasamund C.G.

4 - District Education Officer Distt. Mahasamund C.G.

5 - District Education Officer And Secretary District Level Rationalization Committee Distt. Mahasamund C.G.

6 - Member Secretary Divisional Rationalization Hearing Committee Cum Joint Director, Education Division, Raipur, Integrate Education Complex, First Floor, Pension Bada, Distt. Raipur C.G.

--- **Respondent(s)**

WPS No. 12051 of 2025

1 - Durgu Ram Kunjam S/o Mr. Chamra Ram Kunjam Aged About 61 Years Post Assistant Teacher (Local Body), Posted At Govt. Primary School Koliyari, Block Kanker, District Uttar Bastar Kanker, C.G.

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Naya Raipur, District Raipur, C.G.

2 - Director Public Instruction, Mantralaya, Naya Raipur, District Raipur (C.G.)

3 - The Collector And President District Rationalization Committee District Uttar Baster Kanker, C.G.

4 - District Education Officer District Uttar Baster Kanker, C.G.

5 - District Education Officer And Secretary District Level Rationalization Committee District Uttar Baster Kanker, C.G.

6 - Joint Director Education, Division Baster Jagdalpur, District Baster C.G.

--- **Respondent(s)**

WPS No. 8268 of 2025

1 - Smt. Abha Jha W/o Amulya Chandra Jha Aged About 45 Years Presently Posted As Assistant Teacher At Government Primary School, Lalmatipara, Block - Manendragarh, District Manendragarh-Chirmiri-Bharatpur (C.G.)

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Naya Raipur, District - Raipur (C.G.)

2 - Director Public Instruction, Mantralaya, Naya Raipur, District - Raipur (C.G.)

3 - The Collector And President District Rationalization Committee, District Manendragarh-Chirmiri-Bharatpur (C.G.)

4 - District Education Officer District Manendragarh-Chirmiri-Bharatpur (C.G.)

5 - District Education Officer And Secretary District Level Rationalization Committee, District Manendragarh-Chirmiri-Bharatpur (C.G.)

--- **Respondent(s)**

WPS No. 7049 of 2025

1 - Smt. Rajani Thawait W/o Shri Parmeshwar Thawait Khadwang Aged About 43 Years Presently Posted As Government Primary School, Belkamar, Block - Khadgavan District - Manendragarh-Chirmiri-Bharatpur Chhattisgarh 497449

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of School Education, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, District - Raipur, Chhattisgarh 492002

2 - Director Directorate Of Public Instruction Indravati Bhawan, Naya Raipur, Chhattisgarh 492002

3 - Collector Collector Complex, District Manendragarh-Chirmiri-

Bharatpur Chhattisgarh 497442

4 - District Education Officer Deo Office, District Manendragarh-Chirmiri-Bharatpur Chhattisgarh 497442

5 - Block Education Officer Block - Khadgawan, District Manendragarh-Chirmiri-Bharatpur Chhattisgarh 497442

6 - Sub-Divisional Magistrate (Revenue) President Of Block-Level Committee Block - Manendragarh, District Manendragarh-Chirmiri-Bharatpur Chhattisgarh 497442

--- Respondent(s)

WPS No. 8245 of 2025

1 - Yogesh Kumar Sahu S/o Narendra Kumar Sahu, Aged About 35 Years Posted As Assistant Teacher (L.B.) At Government Primary School, Bancharouda, Block Arang, District Raipur, Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Bhavan, Atal Nagar, Naya Raipur, District - Raipur, Chhattisgarh.

2 - Director, Directorate Of Public Instructions (Dpi) Through Its Director, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

3 - Collector, District Raipur, Chhattisgarh.

4 - Joint Director, School Education Division, Raipur Chhattisgarh.

5 - District Education Officer, District Raipur, Chhattisgarh.

6 - Mukesh Kumar Sahu, Posted As Assistant Teacher (L.B.) At Government Primary School, Bancharouda, Block Arang, District Raipur, Chhattisgarh.

--- Respondent(s)

WPS No. 7564 of 2025

1 - Rajiv Kumar Goutam Son Of Radheshyam Goutam Aged About 46 Years Working As Assistant Teacher (Lb) And Posted At

Govt. Primary School Baheradih, Block Jaijaipur, District - Sakti, Chhattisgarh.

2 - Tushen Kumar Maheshwari Son Of Samay Lal Maheshwari Aged About 49 Years Working As Assistant Teacher (Lb) And Posted At Govt. Primary School Parsada, Block - Sakti, District - Sakti, Chhattisgarh.

3 - Ajay Kumar Banjare Son Of Kholbahra Banjare Aged About 37 Years Working As Assistant Teacher (Lb) And Posted At Govt. Primary School Baheradih, Block -Sakti, District - Sakti, Chhattisgarh.

4 - Hari Ram Chandra Son Of Jhuru Ram Chandra Aged About 37 Years Working As Assistant Teacher (Lb) And Posted At Govt. Primary School Nehru Nagar Kutrabor, Block Jaijaipur, District - Sakti, Chhattisgarh.

5 - Chandra Shekhar Chouhan S/o Satyanand Chouhan Aged About 44 Years Working As Assistant Teacher (Lb) And Posted At Govt. Primary School Bhadora, Block - Malkharoda, District - Sakti, Chhattisgarh.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya New Raipur, District - Raipur, Chhattisgarh.

2 - Collector Sakti, District - Sakti, Chhattisgarh.

3 - District Education Officer Sakti, District - Sakti, Chhattisgarh.

--- **Respondent(s)**

WPS No. 9250 of 2025

1 - Amit Kumar Dhankar S/o Chandrapal Aged About 41 Years Presently Working As Assistant Teacher (L.B.) At Govt. Primary School, Kumhari, Block Arang District Raipur C.G.

---**Petitioner(s)**

Versus

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

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

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

4 - Collector, District Raipur C.G.

5 - District Education Officer, Raipur, District Raipur C.G.

6 - Block Education Officer, Arang, District Raipur C.G.

--- **Respondent(s)**

WPS No. 8552 of 2025

1 - Abhijeet Rao S/o Late Chandrashekhar Rao Aged About 43 Years Presently Working As Teacher (L.B.) At Govt. Middle School Pali, Block Podi Uproda District Korba (C.G.)

2 - Kripalu Das Deewan S/o Pusau Das Deewan Aged About 44 Years Presently Working As Teacher (L.B.) At Govt. Middle School Chhindiya Block Podi Uproda District Korba (C.G.)

3 - Yugal Koshor Tiwari S/o Ravishankar Tiwari Aged About 45 Years Presently Working As Lecturer (L.B.) At Govt. Middle School Hardewa , Block Podi Uproda District Korba (C.G.)

4 - Prem Chand Yadav S/o Murit Ram Yadav Aged About 44 Years Presently Working As Teacher (L.B.) At Govt. Middle School Amjhar Block Podi Uproda District Korba (C.G.)

---**Petitioner(s)**

Versus

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

2 - Director Directorate Of Public Instruction Indrawati Bhawan Atal Nagar Naya Raipur District Raipur (C.G.)

3 - Joint Director, Education Division Bilaspur District Bilaspur (C.G.)

4 - Collector District Korba (C.G.)

5 - District Education Officer Korba District Korba (C.G.)

6 - Block Education Officer Podi Uproda District Korba (C.G.)

7 - Block Education Officer Pali , District Korba (C.G.)

--- Respondent(s)

WPS No. 9305 of 2025

1 - Smt. Bhagwati Thakur W/o Bhupendra Thakur, Aged About 60 Years Presently Working As Teacher (L.B.) At Govt. Middle School, Kumhari, Block Dharsiwa District Raipur (C.G.)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur, District Raipur (C.G.)

2 - Director, Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar Naya Raipur, District Raipur (C.G.)

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

4 - Collector, District Raipur (C.G.)

5 - District Education Officer, Raipur, District Raipur (C.G.)

6 - Block Education Officer, Dharsiwa, District Raipur (C.G.)

--- Respondent(s)

WPS No. 9935 of 2025

1 - Ravindra Bagde S/o Baburao Bagde Aged About 49 Years Presently Working As Teacher At Govt. Middle School Singhari, Block- Bilha, District - Bilaspur C.G.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Education, Mahanadi Bhawan New Mantralaya, Atal Nagar, Naya Raipur, District Raipur C.G.

2 - The Director, Directorate Of Public Instructions, Indravati

Bhawan, Atal Nagar, Naya Raipur, District Raipur C.G.

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

4 - The Collector Cum President, District Level Rationalization Committee, District Bilaspur C.G.

5 - The District Education Officer, Bilaspur, District Bilaspur C.G.

--- **Respondent(s)**

WPS No. 12475 of 2025

1 - Chhattisgarh Pradesh Shikshak Federation A Society Registered Under The Provisions Of C.G. Society Registration Act, 1973 Having Its Registered Office At Laxmi Niwas, Plot C-75, Street 15, Smriti Nagar, Bhilai District Durg C.G. Through Its Member Harish Dewangan, S/o Late Shri J.R. Dewangan, Aged About 45 Years, R/o Ward No. 29 Hospital Colony, Near Indira Market Station Road, Durg, District Durg C.G.

---**Petitioner(s)**

Versus

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

2 - Director, Directorate Of Public Instruction, First Floor, Block - C, Indravati Bhawan, Naya Raipur, District- Raipur C.G.

3 - Joint Director, Education Division Raipur, Dist. Raipur C.G.

4 - Joint Director, Education Division Durg, Dist. Durg C.G.

5 - Joint Director, Education Division Bastar, Jagdalpur, Dist. Bastar C.G.

6 - Joint Director, Education Division- Bilaspur, Distt. Bilaspur C.G.

7 - Joint Director, Education Division- Surguja, Ambikapur, District Surguja C.G.

--- **Respondent(s)**

WPS No. 9821 of 2025

1 - Rakesh Kumar Yadav S/o Shri Ramdular Yadav Aged About 43 Years Presently Working As Teacher (Cac), Government Middle School Dhuma, Block- Bilha, District- Bilaspur (C.G.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through- The Secretary, Department Of Education, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

2 - The Director Directorate Of Public Instruction, Indravati Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

3 - The Joint Director Education Division, Bilaspur, Distt.- Bilaspur (C.G.)

4 - The Collector Cum President District Level Rationalization Committee, District- Bilaspur (C.G.)

5 - The District Education Officer Bilaspur, District- Bilaspur (C.G.)

6 - The Block Education Officer Block- Bilha, District- Bilaspur (C.G.)

--- **Respondent(s)**

WPS No. 5975 of 2025

1 - Peeyoosh Kumar Jaiswal S/o Late Shri Anil Kumar Jaiswal Aged About 51 Years Presently Posted As Assistant Teacher At Government Primary School, Bhandardai, Block - Khadgawan, District Manendragarh-Chirmiri-Bharatpur, Chhattisgarh 497335

2 - Shiv Kumar Prajapati S/o Shri Ramnarayan Prajapati Aged About 40 Years Presently Posted As Assistant Teacher At Government Primary School, Khalpara, Block - Khadgawan, District Manendragarh-Chirmiri-Bharatpur, Chhattisgarh 497335

3 - Mohan Lal Banjare S/o Shri Dakhal Sai Aged About 49 Years Presently Posted As Teacher At Government Upper Primary School, Govindpur, Khadgawan, District Manendragarh-Chirmiri-Bharatpur, Chhattisgarh 497335

4 - Vijay Singh S/o Shri Dritpal Singh Aged About 50 Years

Presently Posted As Teacher At Government Upper Primary School, Ratanpur, Khadgawan, District Manendragarh-Chirmiri-Bharatpur, Chhattisgarh 497335

5 - Dhan Sai S/o Shri Babulal Singh Aged About 43 Years Presently Posted As Government Upper Primary School, Shivpur, Khadgawan, District Manendragarh-Chirmiri-Bharatpur, Chhattisgarh 497335

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh D.E.O. Office, District Manendragarh-Chirmiri-Bharatpur

2 - Director Directorate Of Public Instruction, Indravati Bhawan, Naya Raipur, Chhattisgarh

3 - Collector Collector Complex, District Manendragarh-Chirmiri-Bharatpur

4 - District Education Officer D.E.O. Office, District Manendragarh-Chirmiri-Bharatpur

5 - Block Education Officer Block - Khadgawan, District Manendragarh-Chirmiri-Bharatpur

6 - Sub Divisional Magistrate Revenue Division - Khadgawan, District Manendragarh-Chirmiri-Bharatpur

.... **Respondent(s)**

(Cause title is taken from CIS)

For respective Petitioners	:	Mr. Rajeev Shrivastava, Senior Advocate along with Mr. Shrawan Agrawal and Mr, Kaif Ali Rizvi, Mr. R.K. Kesharwani, Mr. Devashish Tiwari through V.C. along with Mr. Deepak Kaushik, Mr. Sibasish Mishra, Mr. Parag Kotecha, Mr. Rupendra Kumar Dewangan, Mr. Bharat Lal Sahu and Mr. R.K. Verma, Advocate
For State	:	Mr. Y.S. Thakur, Addl. A.G. along with Mr. Shahil Singh, P.L.

Hon'ble Shri Bibhu Datta Guru, Judge
C A V Order

1. Since common facts and grounds are involved in these petitions, therefore, they are being decided by this common order. For the sake of convenience, the pleadings and documents of WPS No.12475 of 2025 are being referred.
2. (a) Learned counsels for the petitioners submit that the petitioners have called in question the rationalization instructions dated 02.08.2024 and the consequential communication dated 28.04.2025 on the ground that the same are contrary to the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (for short, "the Act of 2009") and the National Education Policy, 2020 (for short, "the NEP"). It is submitted that though the impugned instructions have ostensibly been issued to improve educational standards through rationalization of schools and teachers, however, their implementation has seriously prejudiced both teachers and students and adversely affected the functioning of schools.

(b) Learned counsels further submit that the impugned policy is contrary to Section 25 of the Act of 2009, which mandates maintenance of the prescribed pupil-teacher ratio in each school. It is contended that the norms prescribed for Primary and Middle Schools are inconsistent with the statutory requirement of maintaining the teacher-student ratio school-

wise, resulting in depletion of teaching strength in several schools. According to learned counsel, the impugned executive instructions cannot override or dilute the statutory mandate contained in Section 25 of the Act of 2009.

(c) It is next submitted that the impugned instructions have not been issued in the manner contemplated under Article 166 of the Constitution of India, as they have neither been expressed nor authenticated in accordance with law. It is contended that in the absence of compliance with the constitutional requirements, the impugned instructions cannot be treated as a valid and enforceable policy decision of the State Government.

(d) Learned counsels further submit that the rationalization exercise is arbitrary inasmuch as it disturbs the existing cluster structure and treats Cluster Academic Coordinators/Head Masters at par with ordinary teaching staff. It is submitted that such officers discharge supervisory and administrative functions and, in many cases, Head Masters also act as Drawing & Disbursing Officers. Their inclusion in the pool for rationalization has artificially reduced the available teaching strength and disturbed a large number of posts of Head Masters, contrary to the provisions of the Chhattisgarh School Education Service (Educational and Administrative Cadre) Recruitment and Promotion Rules, (for

short, "the Rules").

(e) It is further submitted that the entire exercise has been undertaken arbitrarily and in disregard of the prescribed norms relating to seniority, placement and counselling. According to learned counsel, the principle of "Last In First Out (LIFO)" has been mechanically applied, senior teachers have been bypassed, and the counselling process stood vitiated for want of proper disclosure of surplus lists and vacancies, thereby denying the affected teachers a meaningful opportunity of choice. It is contended that the impugned exercise has caused grave hardship to teachers, adversely affected students, and overlooked the educational needs of schools. On these grounds, it is prayed that the rationalization instructions dated 02.08.2024, the communications dated 25.04.2025 & 28.04.2025, and all consequential actions be quashed, with a further direction to the respondents to accommodate teachers in accordance with the NEP, 2020.

(f) Learned counsels would submit that the impugned guidelines are not in conformity with Article 166 (1) of the Constitution of India as it has not been expressed by order in the name of the Hon'ble Governor of Chhattisgarh. In support of their contention, learned counsels would place reliance upon the decision of this Court rendered in the matter of

Smt. Shitala Diwan vs. State of Chhattisgarh & Ors.

(WPS No. 5780 of 2016 decided on 24.01.2017).

3. While adopting the aforesaid arguments, Mr. Parag Kotecha, learned counsel for the petitioners would submit that though he is questioning the implementation of the policy itself, as far as the transfer of the petitioners under the rationalization policy is concerned, the same is contrary to the guidelines prescribed and also contrary to the provisions of Article 166 of the Constitution of India and the provisions of the Act of 2009.
4. (I) Per contra, learned State counsel opposes the writ petitions and submits that the challenge to the rationalization instructions dated 02.08.2024 and the consequential communication dated 28.04.2025 is misconceived and founded on vague and omnibus pleadings. Referring to Annexure P-1 dated 28.04.2025, it is submitted that the impugned instructions are merely administrative guidelines issued to ensure rational and equitable deployment of teachers by identifying surplus teachers and redeploying them to schools facing shortage, including teacher-less and single-teacher schools, in the larger interest of students. It is submitted that the policy seeks to rectify the imbalance in teacher distribution across the State and, therefore, cannot be said to be arbitrary or illegal.

(II) Learned State counsel further submits that the plea regarding violation of Section 25 of the Act of 2009 is without any factual foundation, as the petitioners have not placed any school-wise data to establish breach of the prescribed pupil-teacher ratio. It is further submitted that the challenge founded on Article 166 of the Constitution is equally untenable, as the decision to undertake rationalization was approved by the Council of Ministers with the concurrence of Hon'ble the Governor on 09.07.2024 and the impugned instructions are traceable to a valid executive decision of the State Government.

(III) Learned State counsel also disputes the contention regarding disturbance of the cluster structure and inclusion of Cluster Academic Coordinators/Head Masters in the rationalization process. It is submitted that the guidelines themselves provide adequate safeguards and priority to such categories and, therefore, the grievance proceeds on an incomplete reading of the policy. It is further submitted that the allegation regarding violation of the cadre structure or the Rules is equally devoid of substance, as the petitioners have neither identified any sanctioned post alleged to have been abolished nor demonstrated infringement of any enforceable service right. Learned State counsel submits that the allegations regarding arbitrary identification of surplus

teachers, violation of seniority, non-observance of norms and irregularities in counselling are general in nature and unsupported by any specific material. It is contended that the policy itself prescribes the procedure for identification of surplus teachers and the order of priority, and no individual instance of deviation has been substantiated.

(IV) It is further submitted that the impugned instructions are administrative guidelines and not statutory rules framed under Article 309 of the Constitution. Since the impugned exercise neither affects the petitioners' rank, status or emoluments nor infringes any vested right, no interference is warranted merely on allegations of hardship. On the aforesaid grounds, learned State counsel submits that no violation of any statutory provision, constitutional mandate or enforceable legal right has been established and, therefore, all the writ petitions deserve to be dismissed.

5. I have heard learned counsel appearing for the respective parties and perused the pleadings and documents placed on record.
6. The challenge in the present batch of petitions is directed against the rationalization instructions dated 02.08.2024, the consequential communication dated 28.04.2025, and the action taken pursuant thereto. The principal grounds urged by the petitioners are that the impugned policy is contrary to

Section 25 of the Act, 2009, the NEP, 2020, the Rules and further that the same has not been issued in conformity with the Article 166 of the Constitution of India.

7. The first contention of the petitioners is that the impugned rationalization instructions are not a valid executive policy, having not been issued in accordance with Article 166 of the Constitution. The submission deserves rejection.
8. The respondents have placed on record the order of the School Education Department bearing No. F-2-24/2024/20-3 dated 16.07.2024, which has been passed by order and in the name of the Hon'ble Governor of Chhattisgarh, which categorically records that the Council of Ministers, in its meeting dated 09.07.2024, approved the proposal relating to rationalization of schools and teachers and authorized the Department to undertake all consequential action. The order specifically states:

छत्तीसगढ़ शासन
स्कूल शिक्षा विभाग
"मंत्रालय"
महानदी भवन,
नवा रायपुर अटल नगर,
// आदेश//

नवा रायपुर अटल नगर, दिनांक 16/07/2024

क्रमांक एफ 2-24/2024/20-तीनः मंत्रि-परिषद् आदेश दिनांक

09.07.2024 में निर्णय लिया गया है कि "शाला एवं शिक्षकों के युक्तियुक्तकरण के संबंध में विभाग द्वारा प्रस्तुत प्रस्ताव का अनुमोदन किया जाए तथा इससे संबंधित समस्त अनुषांगिक कार्यवाही के लिए विभाग को अधिकृत किया जाए।"

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,

सही/-

(आर.पी. वर्मा)

अवर सचिव छत्तीसगढ़
शासन,

स्कूल शिक्षा विभाग

9. Article 166(1) of the Constitution requires that all executive action of the State Government shall be expressed to be taken in the name of the Governor. Article 166 is quoted below for ready reference :

“166. Conduct of business of the Government of a State.- (1) All executive action of the Government of a State shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more

convenient transaction of the business of the Government of the State, and for the allocation among Ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Constitution required to act in his discretion.

Once the policy itself emanates from a Cabinet decision and the consequential departmental order has been issued in the name of the Governor, the challenge founded upon Article 166 loses all force. The petitioners have not demonstrated any constitutional infirmity in the decision-making process.

10. The next submission is that the policy violates Section 25 of the Act, 2009, which mandates maintenance of the prescribed pupil-teacher ratio.
11. For the sake of convenience, it would be apt to quote Section 25 of the Act, 2009, which reads thus :

25. Pupil-Teacher Ratio.-(1) *1[Within three years] from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.*

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.

12. From bare perusal of the above provision, it is crystal clear

that Section 25 undoubtedly casts an obligation upon the State Government to maintain the teacher-student ratio prescribed in the Schedule appended to the Act. However, the petitioners have not produced any school-wise data, statistical material or factual foundation to establish that the implementation of the rationalization policy has actually resulted in breach of the prescribed ratio. The pleadings contain only broad assertions unsupported by particulars.

13. It also deserves notice that the policy has been formulated after the State Government examined the existing teacher-student ratio, the availability of teachers across the State and the requirement of teachers in institutions suffering from shortage. The material placed before the Court indicates that the policy was framed after collection of relevant data with the object of ensuring equitable distribution of teachers and improving the quality of education. There is nothing on record to suggest that the policy has been formulated without application of mind or for any extraneous purpose.
14. In the instructions/guidelines dated 2.8.2024 there is a specific instruction as to how determine the surplus teachers, procedure for determination of surplus teachers and the concelling process. Clauses 6, 7 and 10 of the instructions/guidelines dated 2.8.2024 read thus :

छ:- अतिशेष शिक्षकों का चिन्हांकन

1. विकासखण्ड स्तरीय समिति एक ही परिसर में स्थित दो या दो से अधिक प्राथमिक/ पूर्व माध्यमिक विद्यालयों की दर्ज संख्या एवं कार्यरत शिक्षकों की विद्यालय में पदस्थापना तिथि के आधार पर अतिशेष शिक्षकों की जानकारी सूचीबद्ध करेगी, साथ ही समिति निकट के कम दर्ज संख्या वाले विद्यालयों के अतिशेष शिक्षकों की सूची भी तैयार करेगी। (संलग्न :-परिशिष्ट 5)
2. विकासखण्ड स्तरीय समिति द्वारा दर्ज संख्या के अनुपात में रिक्त पदों की विद्यालयवार सूची तैयार की जायेगी।
3. विकासखण्ड स्तरीय समिति द्वारा विषयवार रिक्त पदों की विद्यालयवार सूची तैयार की जायेगी।
4. अंतिम रूप से तैयार सूची के आधार पर जिला स्तरीय समिति अतिशेष शिक्षकों का रिक्त पदों पर पदांकन काउंसलिंग के माध्यम से करेगी।
5. ई संवर्ग के अतिशेष शिक्षकों की पदस्थापना ई संवर्ग की शालाओं में तथा टी संवर्ग के अतिशेष शिक्षकों की पदस्थापना टी संवर्ग की शालाओं में की जायेगी।
6. जिला स्तर पर पदस्थापना के पश्चात् रिक्त स्थान न होने के कारण कुछ अतिशेष शिक्षकों की पदस्थापना शेष रह जाती है तो इनकी सूची जिला समिति द्वारा संभागीय संयुक्त संचालक को प्रेषित किया जायेगा। संभागीय संयुक्त संचालक द्वारा इसका परीक्षण कर काउंसलिंग के माध्यम से पदस्थापना की कार्यवाही की जायेगी। सहायक शिक्षक का पद जिला कैडर का है। अतः इनकी पदस्थापना जिले से बाहर नहीं होगी। इसी तरह शिक्षक का पद संभाग कैडर का है। अतः इनकी पदस्थापना संभाग के बाहर नहीं होगी। अतिशेष व्याख्याता जिनका समायोजन जिला एवं संभाग स्तर पर नहीं हो पा रहा है उसकी सूची संभागीय संयुक्त संचालक द्वारा संचालक. लोक शिक्षण को प्रेषित की जायेगी। संचालक, लोक शिक्षण द्वारा शेष अतिशेष व्याख्याताओं का पदांकन काउंसलिंग के माध्यम से किया जायेगा।

सात :- अतिशेष शिक्षकों के चिन्हांकन हेतु प्रक्रिया:-

विकासखण्ड स्तरीय समिति युक्तियुक्तकरण वाले विद्यालयों के अतिशेष शिक्षकों तथा अन्य विद्यालयों के अतिशेष शिक्षकों के चिन्हांकन हेतु निम्नानुसार प्रक्रिया अपनायेगी:-

A. प्राथमिक शाला -

01. एक ही परिसर में युक्तियुक्तकरण वाले प्राथमिक विद्यालयों के छात्रों की संख्या के अनुपात में शिक्षकों की गणना की जायेगी। चूंकि प्रधान पाठक शिक्षकीय पद है अतः इसकी गणना शिक्षकीय पद के रूप में की जायेगी। दोनों विद्यालयों के शिक्षकों की संख्या को जोड़कर शिक्षक की गणना छात्र अनुपात में की जायेगी।

02. युक्तियुक्तकरण वाले प्राथमिक विद्यालयों की कुल दर्ज संख्या यदि 60 या उससे कम है वहां एक प्रधान पाठक एवं एक सहायक शिक्षक रहेंगे। शेष अतिशेष की श्रेणी में आयेंगे। यदि दोनों प्राथमिक शालाओं में प्रधान पाठक पदस्थ है तो जो प्रधान पाठक कनिष्ठ होगा उसे अतिशेष माना जायेगा तथा जहाँ कोई भी प्रधानपाठक पदस्थ नहीं है वहाँ दो शिक्षक पदस्थ रहेंगे।

03. जिन विद्यालयों की दर्ज संख्या 61 से 90 होगी वहां प्रधान पाठक सहित तीन शिक्षक, 91 से 120 में प्रधान पाठक सहित चार शिक्षक, 121 से 150 तक की दर्ज संख्या में प्रधान पाठक सहित 5 शिक्षक रहेंगे। इसी प्रकार आगामी वृद्धि पर शिक्षक पदस्थ किये जाये की कार्यवाही की जायेगी।

04. शाला में पदस्थ/कार्यभार ग्रहण दिनांक के आधार पर कनिष्ठतम सहायक शिक्षक अतिशेष माने जायेंगे।

05. समीप की प्राथमिक शालाओं के युक्तियुक्तकरण के फलस्वरूप अतिशेष शिक्षकों की गणना बिंदु क्र. 01 से 04 अनुसार की जायेगी।

06. बिन्दु क्र. 01 से 05 से पृथक अन्य प्राथमिक विद्यालय जिनका युक्तियुक्तकरण नहीं किया गया है, परंतु वहां दर्ज संख्या के अनुपात में सहायक शिक्षक अतिशेष है, विकासखण्ड स्तरीय समिति उनकी भी पृथक से सूची तैयार करेगी।

B. पूर्व माध्यमिक शाला:-

01. एक ही परिसर के युक्तियुक्तकरण वाले पूर्व माध्यमिक शालाओं में छात्र संख्या के अनुपात में शिक्षकों की गणना की जायेगी। प्रधान पाठक को भी शिक्षकीय पद के रूप में जोड़कर शिक्षकों की गणना की जायेगी।

02. युक्तियुक्तकरण वाले पूर्व माध्यमिक शालाओं में जिनकी दर्ज संख्या 105 या उससे कम है वहां प्रधान पाठक एवं तीन शिक्षक पदस्थ रहेंगे। इसके अतिरिक्त पदस्थ शिक्षक अतिशेष माने जायेंगे। पूर्व माध्यमिक शाला में अतिशेष की गणना करते समय प्रधान पाठक सहित दोनों विद्यालयों में पदस्थ शिक्षकों के विषय को ध्यान में रखा जायेगा। यदि दोनों विद्यालयों में प्रधान पाठक पदस्थ हैं तो, जो प्रधान पाठक कनिष्ठ है उसे अतिशेष माना जायेगा।

03. जिन विद्यालयों की दर्ज संख्या 106 से 140 है वहां प्रधान पाठक सहित पांच शिक्षक पदस्थ होंगे। इसी तरह प्रत्येक 35 छात्र संख्या में एक अतिरिक्त शिक्षक देय होगा। अतिशेष की गणना करते समय विषय को ध्यान में रखा जायेगा।

04. शाला में पदस्थ / कार्यभार ग्रहण दिनांक के आधार पर एक ही विषय के दो शिक्षक में से कनिष्ठतम को अतिशेष माना जायेगा।

05. विषय की गणना करते समय विषय शिक्षकों (प्रधान पाठक सहित) का चक्रानुक्रम निम्नानुसार होगा:-

(i) अंग्रेजी (ii) गणित (iii) कला (iv) विज्ञान (v) हिन्दी (vi) संस्कृत/उर्दू/वाणिज्य

06. समीपस्थ दो पूर्व माध्यमिक शालाओं के युक्तियुक्तकरण में शिक्षकों के अतिशेष की गणना बिन्दु क्र. 1 से 5 अनुसार की जायेगी।

07. बिन्दु क्र. 01 से 06 के विद्यालयों से पृथक अन्य पूर्व माध्यमिक शालाएं जिनका युक्तियुक्तकरण नहीं किया गया है, परंतु दर्ज संख्या के अनुपात में वहां अतिशेष शिक्षक कार्यरत हैं, विकासखण्ड स्तरीय समिति ऐसे विद्यालयों के अतिशेष शिक्षकों की सूची पृथक से तैयार करेगी।

C. हाई/हायर सेकेण्डरी स्कूल :-

1. हाई/हायर सेकेण्डरी स्कूल में जहां दर्ज संख्या बहुत कम है, और वहाँ एक ही विषय के दो व्याख्याता कार्यरत है (प्रति व्याख्याता अध्यापन 04 कालखण्ड से कम), तो उनमें से कनिष्ठतम अतिशेष होगा।
2. हायर सेकेण्डरी स्कूल में स्वीकृत किसी संकाय में एक भी छात्र/छात्रा अध्ययनरत् नहीं है, तो ऐसी स्थिति में संबंधित संकाय के व्याख्याताओं को जिन स्कूलों में उस संकाय के छात्र अध्ययनरत् है, वहां समायोजित किया जायेगा।
3. हाई/हायर सेकेण्डरी स्कूलों में स्वीकृत पद के विरुद्ध एक से अधिक व्याख्याता कार्यरत होने पर दोनों में से जो कनिष्ठ होगा उसे अतिशेष माना जायेगा
4. विकासखण्ड स्तरीय समिति उपरोक्त निर्देश अनुसार अतिशेष व्याख्याताओं की सूची एवं विद्यालयवार पद रिक्तता की सूची तैयार करेगी।

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दस :- काउंसलिंग की प्रक्रिया :-

अतिशेष शिक्षकों की पदस्थापना पारदर्शी काउंसलिंग के माध्यम से इसकी प्रक्रिया निम्नानुसार होगी :-

1. अतिशेष शिक्षकों की पदस्थापना सर्वप्रथम शिक्षक विहिन विद्यालयों में की जायेगी इसके पश्चात् एकल शिक्षकीय विद्यालयों में पदस्थापना की जायेगी।
2. शिक्षक विहिन विद्यालयों एवं एकल शिक्षकीय विद्यालयों में पदस्थापना के पश्चात् जिन शालाओं में दर्ज संख्या अधिक है, तो उनमें आवश्यकतानुसार पदस्थापना की जायेगी।
3. पूर्व माध्यमिक विद्यालयों तथा हाई स्कूल/हायर सेकेण्डरी में पदस्थापना हेतु विषय का ध्यान रखा जायेगा।
4. काउंसलिंग हेतु जितने शिक्षक अतिशेष है उतनी ही संख्या में शिक्षक विहीन, एकल शिक्षकीय एवं अधिक दर्ज संख्या वाले

विद्यालयों को दर्शित किया जाये। किन्तु यहां यह ध्यान में रखा जायेगा कि, सभी शिक्षक विहीन विद्यालयों एवं इसके पश्चात् सभी एकल शिक्षकीय विद्यालयों को अनिवार्य रूप से दर्शित किया जाये। तदनुपरांत आवश्यकतानुसार अधिक दर्ज संख्या वाले विद्यालयों को दर्शित किया जाये।

5. अतिशेष शिक्षकों की गणना करते समय दिव्यांग कोटे के अन्तर्गत नियुक्त शिक्षक यदि कनिष्ठतम है तो उक्त दिव्यांग शिक्षक को छोड़कर अन्य कनिष्ठ शिक्षक की गणना अतिशेष के रूप में की जायेगी।

6. जो शिक्षक परीविक्षा अवधि में हैं, उनकी गणना अतिशेष के रूप में नहीं की जायेगी क्योंकि, परीविक्षा अवधि समाप्ति के पश्चात् ही उनकी संस्था में परिवर्तन संभव है।

7. काउंसलिंग में रिक्त स्थानों का चयन करने के लिये अतिशेष शिक्षकों को वरीयता क्रम में नीचे दिये क्रम अनुसार काउंसलिंग हेतु आमंत्रित किया जाये:-

1. ऐसे शिक्षक जिनकी सेवानिवृत्ति 02 वर्ष या उससे कम हो।
2. महिला शिक्षिका। (वरिष्ठता सूची के आधार पर)
3. शासन से मान्यता प्राप्त शिक्षक संगठन के पात्र पदाधिकारी।
4. संकुल शैक्षिक समन्वयक। (वरिष्ठता सूची के आधार पर)
5. अन्य शिक्षक। (वरिष्ठता सूची के आधार पर)

15. Bare perusal of the aforesaid guidelines, it is crystal clear that while rationalizing teachers in schools situated in the same campus, the teacher strength shall be determined with reference to the aggregate number of students and even the Head Master shall be counted as a teaching post. The object of the policy is thus to ensure equitable deployment of teachers so that schools suffering from acute shortage receive adequate teaching staff. This Court, therefore, finds

no material to conclude that the policy violates Section 25 of the Act, 2009.

16. Once the State Government, after considering the prevailing factual position, has evolved a mechanism for identification of surplus teachers and their deployment, the Court cannot substitute its own methodology unless the criteria itself is shown to be arbitrary, capricious or contrary to law. Merely because certain teachers are identified as surplus does not render the policy unconstitutional.
17. The contention founded upon the NEP, 2020 also deserves rejection. The said policy emphasizes universal access to quality education, equitable distribution of educational resources and optimum utilization of teachers. Rational deployment of available teaching personnel to remove teacherless and single-teacher schools is consistent with these objectives. No provision of the NEP having statutory force has been shown which prohibits such administrative redistribution.
18. The challenge founded upon the Recruitment Rules is also liable to fail for want of proper pleadings. Except making general assertions, the petitioners have neither identified any specific provision of the Rules alleged to have been violated nor demonstrated in what manner the impugned policy infringes any statutory protection. In the absence of such

factual and legal foundation, the challenge cannot be sustained.

19. The petitioners have further argued that the inclusion of Head Masters and Cluster Academic Coordinators in the rationalization exercise disturbs the cadre structure and violates the Recruitment Rules.
20. The submission is bereft of particulars. No provision of the Rules has been demonstrated to have been violated. The petitioners have neither established abolition of any cadre nor alteration of service conditions nor reduction of any promotional avenue. The respondents have specifically stated that the policy itself provides due priority and protection to different categories while undertaking rationalization. In absence of any factual foundation, the challenge cannot be sustained.
21. The allegation that the respondents have arbitrarily identified surplus teachers by ignoring seniority, counselling norms and the principle of Last-In-First-Out (LIFO) is equally unsupported by any concrete material.
22. This Court also finds substance in the objection raised by the respondents that the petitioners have failed to establish infringement of any vested legal right. Rational deployment of teachers is an incidence of service. Unless such deployment is shown to violate statutory provisions or constitutional

guarantees, judicial review remains limited.

23. Even assuming that implementation of the impugned policy results in transfer or change of place of posting of certain teachers, such consequence by itself cannot invalidate the policy. Transfer and posting are matters falling within the exclusive administrative domain of the employer and a Government servant has no statutory or constitutional right to remain posted at a particular place. Once the administration has found concentration of teachers in certain schools and shortage in others, the manner of rational deployment is primarily for the executive to determine.
24. The Supreme Court in **State of M.P. and Others v. Dr. Yashwant Trimbak, (1996) 2 SCC 305**, has held that matters relating to transfer and deployment of Government servants primarily fall within the domain of the executive and the Courts ought not to interfere unless the action is vitiated by mala fides or violation of any statutory rule. Administrative exigencies are matters for the employer to determine and not for the Court to substitute its own opinion. The petitioners have neither pleaded mala fides against any authority nor demonstrated violation of any mandatory statutory provision.
25. Equally, the challenge to the policy itself cannot be entertained merely because another view may also be possible. The scope of judicial review over policy decisions is

extremely limited.

26. It is equally well settled that the Court cannot sit in judgment over the wisdom or efficacy of an executive policy merely because another view may also be possible. Unless the policy is shown to be inconsistent with the parent statute or violative of constitutional limitations, its desirability or effectiveness lies outside the scope of judicial review.
27. The Supreme Court in **Directorate of Film Festivals and Others v. Gaurav Ashwin Jain and Others, (2007) 4 SCC 737**, has reiterated that policy decisions of the Government are not ordinarily amenable to judicial review unless they are patently arbitrary, discriminatory, mala fide or violative of constitutional or statutory provisions. Courts do not sit in appeal over the wisdom of executive policy nor can they substitute their own opinion for that of the Government in matters involving administrative choices.
28. The rationalization policy under challenge has been framed after Cabinet approval with the objective of ensuring equitable distribution of teachers throughout the State. Whether another model of rationalization would have been more appropriate is a matter of administrative wisdom and not of judicial review.
29. This Court also finds that the issue involved is no longer *res integra*. The Division Bench of this Court in **Vikram Singh**

Yadav v. State of Chhattisgarh, 2022 SCC OnLine Chh 1137, while considering interference in matters involving educational administration and deployment of teachers, has held that formulation and implementation of such administrative policies lie primarily within the executive domain and the scope of judicial interference under Article 226 is confined only to cases where the policy is demonstrated to be arbitrary, mala fide or contrary to statutory provisions. The Court further observed that administrative decisions taken in public interest for ensuring better educational administration deserve judicial deference unless shown to suffer from manifest illegality. The principles laid down in the aforesaid judgment squarely apply to the facts of the present case.

30. The material placed before this Court further indicates that the impugned rationalization exercise has been undertaken to address the long-standing issue of teacher-less and single-teacher schools in the State. Such an exercise is directly relatable to the constitutional obligation of the State flowing from Articles 21-A, 41, 45 and 46 of the Constitution of India, read with the provisions of the Act, 2009. Ensuring equitable availability of teachers across Government schools is unquestionably a matter of larger public interest.
31. In matters concerning educational administration, the Court

ought to exercise restraint where the Government is acting bona fide with the object of ensuring adequate availability of teachers in schools suffering from shortage. Questions relating to the optimal deployment of teaching personnel are essentially matters of educational policy and administrative expertise.

32. The petitioners have failed to establish violation of Section 25 of the Act, 2009, Article 166 of the Constitution of India, the Rules, or any other statutory or constitutional provision. They have also failed to establish arbitrariness, mala fides or infringement of any enforceable legal right.
33. The reliance placed by the learned counsels for the petitioners upon the decision rendered by this Court in the matter of **Smt. Shitala Diwan** (supra) would not be applicable to the facts of the present cases because the order dated 16.07.2024, which has been quoted in the preceding para of this order, has duly been passed by order and in the name of the Hon'ble the Governor of Chhattisgarh, which categorically records that the Council of Ministers, in its meeting dated 09.07.2024, approved the proposal relating to rationalization of schools and teachers and authorized the department to undertake all consequential actions. Thus, it appears that the consequent impugned guidelines/ executive action of the State Government shall be treated to be taken

by order and in the name of the Hon'ble Governor of Chhattisgarh.

34. On a careful reading of the impugned policy and its broad features, it is evident that the same has been framed with the avowed object of improving the quality of education, maintaining a proper teacher–pupil ratio, and ensuring an equitable distribution of teachers across schools, particularly by addressing the shortage of teachers in teacher-less and single-teacher schools. The decision appears to have been taken at the highest level of the Government after due consideration of relevant data concerning the number of teachers in the Department, the prevailing teacher–pupil ratio, and the requirement of teachers in rural and other under-served areas. Nothing in the policy suggests that it has been framed without due application of mind or with any oblique motive. On the contrary, it reflects a conscious administrative effort to facilitate effective teaching in Government and Panchayat schools so that students, particularly those studying in Government institutions, receive quality education in furtherance of the legislative intent underlying the Right of Children to Free and Compulsory Education Act, 2009. The mere fact that, in a given case, the number of teachers posted in a school is either less than or exceeds the sanctioned set-up does not

render the policy vulnerable to challenge, as the sanctioned strength is prescribed primarily for budgetary and administrative purposes to determine the overall cadre strength within the Department and does not confer any vested or enforceable right upon an individual teacher or an association to question the validity of the policy. Likewise, even if the implementation of the policy incidentally results in the transfer or posting of teachers, such a consequence cannot be a ground to invalidate it, since matters relating to transfer and posting of teachers fall squarely within the exclusive administrative domain of the Government. The impugned policy merely lays down broad administrative guidelines without any statutory force and cannot be construed as an executive instruction issued under Article 166 of the Constitution so as to invite judicial review of its contents, save on the limited and well-settled grounds on which administrative policies are amenable to judicial scrutiny. In matters of administration, the Court ought to exercise restraint and be slow in interfering where the Government has acted bona fide in pursuit of the larger public interest of ensuring adequate availability and rational distribution of teachers in rural areas and in schools suffering from an acute shortage of teaching staff.

35. In view of the settled principles governing judicial review of executive policy decisions as laid down in **Dr. Yashwant Trimbak (supra)**, **Gaurav Ashwin Jain (supra)**, and the judgment of this Court in **Vikram Singh Yadav (supra)**, this Court finds no ground warranting interference under Article 226 of the Constitution of India.
36. Consequently, the challenge, to the rationalization instructions and all consequential actions taken thereunder, is devoid of merit and deserves to be rejected.
37. Accordingly, all the writ petitions stand dismissed. No order as to costs.

Sd/-

(Bibhu Datta Guru)
Judge