



CGHC010228342020



2026:CGHC:28796

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4204 of 2020

Judgment Reserved On : 16.06.2026.

Judgment Delivered On : 10.07.2026.

Ku. Bhuneshwari D/o Madan Singh Thakur Aged About 29 Years
Occupation Service, Posted As Stenographer Hindi Indira Kala
Sangeet University, Khairagarh, District Rajnandgaon Chhattisgarh.

--- Petitioner(s)

versus

**1 - The Indira Kala Sangeet University Khairagarh, Through The
Registrar District Rajnandgaon Chhattisgarh.**

**2 - Santosh Shrivastava Stenographer, Indira Kala Sangeet University,
Khairagarh, District Rajnandgaon Chhattisgarh.**

**3 - The State Of Chhattisgarh Through The Principal Secretary, Higher
Education Department, Mahanadi Bhawan, New Raipur Chhattisgarh.**

--- Respondent(s)

For Petitioner	:	Shri Siddharth Pandey, Advocate.
For Respondent No.1/University	:	Ms. Nirupama Bajpai, Advocate.
For Respondent No.2	:	Shri Rishi Rahul Soni, Advocate.
For State/Respondent No.3	:	Shri Anand Dadariya, Dy AG.

WPS No. 8421 of 2023

Santosh Kumar Shriwas S/o Shri Krishna Kumar Shriwas Aged About 29 Years R/o House No. 153, Shivansh Sadan, Ward No. 18, Shiv Mandir Road, Khairagarh, Police Station Khairagarh District Khairagarh Chhuikhadan-Gandai (C.G.)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Raipur (C.G.)

2 - Indira Kala Sangit Vishwavidyalaya Khairagarh Through The Registrar, Indira Kala Sangit Vishwavidyalaya Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.)

3 - The Registrar Indira Kala Sangit Vishwavidyalaya Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.)

4 - Ku. Bhuneshwari D/o Shri Madan Singh Thakur, Aged About 32 Years, Occupation Service, Posted As Stenographer, Indira Kala Sangit Vishwavidyalaya, Khairagarh-Chhuikhadan-Gandai (C.G.)

--- Respondent(s)

For Petitioner	:	Shri Rishi Rahul Soni, Advocate.
For State/Respondent No.1	:	Shri Anand Dadariya, Dy AG.
For Respondent Nos.2 & 3/University	:	Ms. Nirumpama Bajpai, Advocate.
For Respondent No.4	:	Shri Siddharth Pandey, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. Since both the Writ Petitions have been preferred by the petitioners claiming seniority and promotion on the basis of one gradation list, they have been heard together and are being decided by this common order.

2. For the sake of unambiguity, the petitioners will be referred

henceforth as per their initial i.e. Ku. Bhuneshwari and Santosh.

3. For the purposes of disposal, facts pleaded in WPS No.4204 of 2020 will be referred to. An advertisement was issued by the respondent no. 1 on 20.1.2014 for two posts of Stenographers out of which, one was reserved for Scheduled Tribes category and another post was unreserved. The petitioners were called for ability test on 27.6.2014 and thereafter for interview on 29.6.2014. Respondent no. 1 without issuing merit list directly issued appointment order which is evident from order dated 1.6.2020. The Petitioners were appointed on the post of Stenographer by respondent no. 1 vide order dated 16.7.2014 for a probation period of 1 year or maximum extendable for 2 years. It is submitted that in the said appointment order, name of petitioner- Ku Bhuneshwari appears at serial no. 1 whereas name of Santosh is at serial no. 2. Thereafter, the petitioners were made permanent after completion of probation period on the said post by respondent no. 1 after the recommendation of working committee vide order dated 1.9.2015 with effect from 24.7.2015. Seniority list of Stenographer was issued by the respondent no. 1 on 10.2.2017 whereby petitioner Ku Bhuneshwari was placed at serial no. 1 and Santosh was placed at serial no. 2. Ku

Bhuneshwari made a representation before the respondent no. 1 seeking therein promotion to the post of Personal Assistant to the Registrar. The problem started after making the above representation. The respondent no. 1 surprisingly published seniority list of Personal Assistant to Registrar, Stenographer and Stenotypist on 29.4.2020 wherein, Ku Bhuneshwari was placed at serial no. 2 in seniority list of Stenographer without giving any opportunity of hearing to her. The respondent no. 1 in the seniority list assigned reasons to place Santosh at serial no. 1 as he joined the services in forenoon whereas Ku Bhuneshwari joined her services in the afternoon. Ku Bhuneshwari raised objection to the gradation list dated 29.4.2020 on the ground that on 10.2.2017 she was senior to Santosh and after 3 years, she has been placed at serial no. 2 which is illegal and arbitrary. Ku. Bhuneshwari also stated that her additional qualification of Computer Operator and Programming Assistant (COPA) has not been enlisted in the service book whereas same was filed along with submission of form against advertisement. Respondent no. 1 decided the objection of the petitioner on 1.6.2020 and rejected the same on the ground that in gradation list of 13.12.2016 name of Santosh was at serial no. 1 but due to mistake, in the year

2017, Ku Bhuneshwari was placed at serial no. 1. Respondent no. 1 after realizing the mistake rectified the same on 29.4.2020 and placed Santosh at serial no. 1 and Ku Bhuneshwari at serial no. 2. Respondent no. 1 also stated that the appointment order was not issued according to merit list. Further, Santosh joined his services in forenoon whereas Ku. Bhuneshwari joined services in afternoon, therefore, Santosh has been placed at serial no. 1 in gradation list. The Respondent no. 1 has relied on Rule 12(1)(a) of the Chhattisgarh Civil Services (General Condition of Service) Rules, 1961 (henceforth "**Rules, 1961**"). Ku. Bhuneshwari filed an objection on 2.6.2020 against the gradation list dated 29.4.2020 and order dated 1.6.2020 stating that order passed by Respondent No.1 on 01.06.2020 and gradation list dated 29.04.2020 are contradictory. She also submitted that her name has been placed at serial no. 2 in the gradation list with an intention of extending the benefit to Santosh. Respondent no. 1 issued final gradation list on 2.6.2020 and placed Ku. Bhuneshwari at serial no. 2 in the gradation list whereas Santosh was placed at serial no. 1. Respondent no. 1 rejected the objection of the petitioner vide order dated 6.6.2020 on the ground that the University has jurisdiction to rectify the mistake of

seniority list and it has not been done with intention to extend the benefit to Santosh. Respondent no. 1 further stated that in the year 2016, Santosh was at serial no. 1 in the gradation list but no objection was taken by Ku. Bhuneshwari and this mistake has been rectified on 29.4.2020. The gradation list has been prepared according to qualification, ability test, experience and marks obtained in interview. The order of names mentioned in the appointment order is not conclusive. Soon after finalization of seniority list, respondent no. 1 issued a notice on 8.6.2020 to convene meeting of D.P.C. on 9.6.2020 and on said date, Santosh has been considered for post of Personal Assistant to the Registrar as promotional post of Stenographer is Personal Assistant to the Registrar. The decision taken by the committee has not been approved by the University and meeting in this regard was scheduled on 13.10.2020. Hence this Petition.

4. Shri Siddharth Pandey, learned counsel for the petitioner- Ku. Bhuneshwari submits that Bhuneshwari and Santosh were appointed on the post of Stenographer on the same day i.e. 16.07.2014. According to the said appointment order, Ku. Bhuneshwari was placed at Serial No.1 and Santosh at Serial No.2. He submits that both of them were appointed on the basis

of their position reflected in the appointment order but in the gradation list dated 31.07.2015, Santosh was placed at Serial No.1 and Ku. Bhuneshwari was placed at Serial No.2. In the gradation list dated 10.02.2017, Ku. Bhuneshwari was placed at Serial No.1 and Santosh was placed at Serial No.2. In the gradation list dated 29.04.2020, Santosh Kumar was placed at Serial No.1 and Ku Bhuneshwari at Serial No.2. In the gradation list dated 02.06.2020, Santosh was placed at Serial No.1 and Ku. Bhuneshwari at Serial No.2. But vide gradation list dated 09.06.2023, Ku. Bhuneshwari was placed at Serial No.1 whereas Santosh was placed at Serial No.2. He further submits that after completion of 5 years of service, Ku Bhuneshwari moved an application for promotion to the post of Personal Assistant to Registrar contending that after 3 years of service, there is procedure to get promoted to the post of PA to Registrar.

5. Learned counsel for petitioner Ku. Bhuneshwari submits that vide gradation list 29.04.2020, Santosh Kumar was placed at Serial No.1 and Ku Bhuneshwari at Serial No.2, being aggrieved of the same, Ku. Bhuneshwari moved a representation before the Department. The Department vide order dated 06.06.2020 while rejecting the claim of Ku. Bhuneshwari contended that

erroneously in the gradation list dated 10.02.2017, name of Santosh was placed at Serial No.2 and name of Ku. Bhuneshwari was placed at Serial No.1. The said error has been rectified by way of gradation list dated 29.04.2020. Learned counsel for Ku. Bhuneshwari submits that gradation lists dated 29.04.2020 and 02.06.2020 are illegal which shows arbitrariness on the Department's part as on the basis of recommendations made by Executive Committee, the appointment was made and Ku. Bhuneshwari was placed at Serial No.1. He submits that at a later stage, it cannot be said that due to inadvertence of the department, wrongly Ku. Bhuneshwari was placed at Serial No.1 in the gradation list dated 10.02.2017.

6. Shri Soni, learned counsel for the petitioner Santosh submits that Santosh has rightly been placed at Serial No.1 and Ku. Bhuneshwari at Serial No.2 in the gradation list dated 02.06.2020, 29.04.2020 as earlier in the gradation list dated 10.02.2017, erroneously Ku. Bhuneshwari was placed at Serial No.1 and Santosh at Serial No.2. However, he submits that in the gradation list dated 09.06.2023, Ku. Bhuneshwari has been placed at Serial No.1 and Santosh has been placed at Serial No.2, which is erroneous as right from the appointment in gradation list dated

31.07.2015, 04.10.2016, 29.04.2020, 02.06.2020 till issuance of impugned gradation list dated 09.06.2023, Santosh was being placed at Serial No.1 whereas Ku. Bhuneshwari at Serial No.2.

7. Ms. Bajpai, learned counsel for Respondent- University submits that from the perusal of appointment order, Ku. Bhuneshwari has been placed at Serial No.1 and Santosh at Serial No.2. However, subsequently Ku. Bhuneshwari has been placed at Serial No. 2 and Santosh at Serial No.1. She further submits that on the basis of meeting of executive committee dated 01.03.2023, the said error has been corrected and Ku Bhuneshwari has been placed at Serial No.1 and Santosh at Serial No.2, which is in accordance with law. She submits that the University will comply with any directions issued by this Court.
8. Learned State counsel submits that so far as petitioners are concerned, their seniority and promotion will be governed as per The Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961. As per which, the seniority of the petitioners will be determined on the basis of order of merit in which they are recommended for merit.
9. Having heard learned counsel for the parties and perused the record, this Court proceeds to determine the controversy relating

to the *inter se* seniority of the petitioners.

10. Rule 12 (1) (a) of the Rules, 1961 provides for:

12. Seniority.- *The seniority of the members of a service or a distinct branch or group of posts of that service shall be determined in accordance with the following principles, viz.,-*

(1) Seniority of Direct Recruitment and Promotees. -

(a) The seniority of persons directly appointed to a post according to rules shall be determined on the basis of the order of merit in which they are recommended for appointment irrespective the date of joining. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection.

11. The admitted facts reveal that both the petitioners were appointed as Stenographers pursuant to the same selection process by a common appointment order dated 16.07.2014. In the said appointment order, the name of petitioner Ku. Bhuneshwari appears at Serial No.1 whereas the name of petitioner Santosh appears at Serial No.2. Initially, different gradation lists came to be issued by the respondent-University placing the petitioners at different positions. While the gradation list dated 10.02.2017 reflected Ku. Bhuneshwari as senior, the subsequent gradation lists dated 29.04.2020 and 02.06.2020 placed Santosh above her on the ground that he had joined duties in the forenoon whereas

Ku. Bhuneshwari joined in the afternoon. Subsequently, by gradation list dated 09.06.2023, the University again restored Ku. Bhuneshwari to Serial No.1.

12. The sole question that falls for consideration is whether the respondent-University was justified in altering the seniority of the petitioners by relying upon the time of joining and by treating the earlier gradation list as erroneous.

13. It is well settled that claims related to seniority must be raised promptly. Delay defeats equity, particularly in service matters where others' rights may be adversely affected.

14. It is a well-established proposition in service jurisprudence that the right to seniority is not a fundamental right. However, seniority constitutes a vital aspect of a civil right arising from statutory rules, administrative instructions, or service regulations governing the terms and conditions of employment in public service. While the denial or fixation of seniority may not ipso facto invoke the violation of fundamental rights under Articles 14 or 16, any action relating to alteration, re-fixation, or revision of seniority must nonetheless conform to the principles of natural justice and procedural fairness. Whenever a representation is made challenging the seniority position of an employee, particularly one

that seeks to disturb an existing gradation list, it is imperative that all persons likely to be adversely affected by such representation are treated as necessary and proper parties to the proceedings. The competent authority, even in the realm of administrative decision-making, is duty-bound to issue notice and provide an opportunity of hearing to those individuals whose seniority may be impacted as a consequence of any proposed revision. Failure to do so results in a clear violation of *audi alteram partem*, a cardinal principle of natural justice. A gradation list or seniority list, once finalized and acted upon, attains a degree of finality and cannot be unsettled casually or unilaterally, especially not to the prejudice of those who were not given an opportunity to contest or respond. Any administrative or judicial order affecting the inter se seniority of civil servants without impleading or hearing the affected parties is liable to be quashed on the ground of procedural impropriety and violation of natural justice, regardless of the merits of the underlying claim. Moreover, in service law, the re-fixation of seniority must adhere strictly to the applicable service rules such as Rule 12(1)(a) of the Rules, 1961, and no executive authority can bypass the statutory safeguards or due process merely on grounds of administrative convenience.

Accordingly, any disturbance in the settled seniority position or alteration in the gradation list without putting affected employees on notice, allowing them to present their case, and duly considering their submissions, would render the action legally unsustainable and vitiated.

15. A plain reading of the Rule 12 leaves no manner of doubt that in the case of direct recruitment, seniority is to be determined solely on the basis of the order of merit in which the candidates are recommended for appointment. The Rule expressly excludes the relevance of the date of joining and, therefore, the time of joining on the same day cannot be a criterion for determining inter se seniority.
16. The respondent-University sought to justify the impugned gradation lists by contending that Santosh joined duties in the forenoon whereas Ku. Bhuneshwari joined in the afternoon and that the gradation list dated 10.02.2017 contained a clerical mistake. Such justification cannot be accepted.
17. Firstly, Rule 12(1)(a) specifically mandates that seniority shall be determined irrespective of the date of joining. Consequently, the distinction sought to be drawn on the basis of joining in the

forenoon or afternoon is wholly alien to the statutory rule and cannot legally determine seniority.

18. Secondly, although the respondent-University has pleaded that the appointment order was not issued according to the order of merit and that an inadvertent mistake had occurred, no contemporaneous record, namely, the select list, merit list, proceedings of the Selection Committee or recommendation of the Selection Committee, has been placed before this Court to establish that Santosh had secured a higher position in the merit list than Ku. Bhuneshwari. A mere assertion that the appointment order was not arranged according to merit cannot displace the statutory presumption arising from the appointment order itself.

19. On the contrary, the appointment order dated 16.07.2014, which is the foundational document of appointment, places Ku. Bhuneshwari at Serial No.1 and Santosh at Serial No.2. In the absence of any material demonstrating that the order of names in the appointment order was inconsistent with the recommendation of the Selection Committee, the said appointment order constitutes the best available evidence regarding the order in which the candidates were recommended and appointed.

20. It is also significant that after issuance of the impugned gradation lists, the respondent-University itself, by gradation list dated 09.06.2023 issued pursuant to the decision of the Executive Committee dated 01.03.2023, restored the position by placing Ku. Bhuneshwari at Serial No.1 and Santosh at Serial No.2. The stand taken by the University before this Court also supports the said position. This subsequent action further indicates that the impugned gradation lists dated 29.04.2020 and 02.06.2020 cannot be sustained.
21. In view of the aforesaid discussion, this Court is of the considered opinion that the respondent-University committed a manifest error in determining the *inter se* seniority of the petitioners on the basis of the time of joining and in altering the seniority without any material showing that Santosh had secured a higher place in the order of merit. Such action is contrary to Rule 12(1)(a) of the Rules, 1961 and is, therefore, unsustainable.
22. Accordingly, all the gradation lists in which Santosh has been placed at the rank above Ku. Bhuneshwari particularly dated 29.04.2020 and 02.06.2020, insofar as they related to present petitioners, are hereby quashed. The gradation lists which places Ku. Bhuneshwari in the rank above than Santosh particularly

dated 09.06.2023 is held to be in consonance with Rule 12(1)(a) of the Rules, 1961 and shall govern the *inter se* seniority of the parties.

23. The respondent-University is directed to accord all consequential service benefits flowing from the above determination, including consideration of Ku. Bhuneshwari for promotion to the post of Personal Assistant to the Registrar, if otherwise eligible, from the date her immediate junior was considered or promoted. If found fit, she shall be granted notional promotion with continuity of seniority and all consequential benefits in accordance with law. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.
24. Both the writ petitions are disposed of in the above terms. No order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
16.06.2026	10.07.2026	-----	10.07.2026