



CGHC010140592025



2026:CGHC:44236

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2531 of 2025

Homeshwari Sahu W/o Shri Lochan Prasad Sahu Aged About 38 Years
Working As Assistant Teacher (Panchayat) At Govt. Primary School Baghuli,
Block Nawagarh, District : Bemetara, Chhattisgarh

... Petitioner

versus

1 – State of Chhattisgarh Through Secretary, Department of Panchayat and
Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, District
Raipur, Chhattisgarh.

2 - Chief Executive Officer Janpad Panchayat Nawagarh, District : Bemetara,
Chhattisgarh

... Respondents

For Petitioner	:	Mr. Vinod Kumar Sharma, Advocate
For State/Respondent	:	Mr. Aditya Tiwari, PL
For Respondent No.2	:	Mr. Pankaj Singh, Advocate

(Hon’ble Shri Justice Bibhu Datta Guru)

Order on Board

13/10/2026

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1. The petitioner has filed the present writ petition seeking a relief to modify the order dated 12.03.2021 and direct the respondent authorities to reinstate the petitioner in service from the initial date of appointment instead of treating her as a fresh appointee, with consequential and monetary benefits for the intervening period.
2. The facts of the present case are that the petitioner was initially appointed to the post of Shiksha Karmi Grade-III. Her services were subsequently terminated by an order passed by the Collector on the allegations concerning the documents submitted by her at the time of appointment. Thereafter, the petitioner approached this Court by filing a writ petition challenging the action taken against her. The aforesaid writ petition was disposed of by order dated 31.08.2020, whereby the Court considered the question of jurisdiction of the authority which had passed the termination order and directed the competent authority to consider the petitioner's representation within the stipulated period. Pursuant to the aforesaid order, the petitioner submitted her representation before the competent authority. The respondent authority, instead of reinstating the petitioner in service from the initial date of appointment, passed the order dated 12.03.2021, whereby she was re-appointed to the post of Assistant Teacher (Panchayat) on probation for a period of two years, subject to the conditions stipulated therein. Being aggrieved by the aforesaid order, particularly the decision to treat her as a fresh appointee and to deny her continuity of service and consequential benefits, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that the order of termination was passed by the Collector, who was not the competent disciplinary authority under Rule 9 of the Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Service) Rules, 1997 (hereinafter referred to as the “Rules of 1997”). It is further submitted that this Court, while disposing of the earlier writ petition, had specifically considered the question of jurisdiction of the authority which passed the termination order. Therefore, once the petitioner was permitted to pursue her representation pursuant to the order passed by this Court, the respondent authorities could not have treated her as a fresh appointee by imposing a fresh probationary period of two years. Learned counsel further submits that the issue involved in the present case is squarely covered by the judgment passed by this Court in WPS No. 4347 of 2022, *Madhuri Thakur v. State of Chhattisgarh and Another*, decided on 25.06.2026, wherein, in similar circumstances, the Court directed reinstatement of the petitioner in service and modified the order of re-appointment, holding that the petitioner was entitled to the benefits attached to the post from the date of her initial appointment. Accordingly, learned counsel prays that the present writ petition be allowed in the same terms.
4. *Per contra*, learned State counsel opposes the petition and submits that the original termination order has not been set aside in the earlier proceedings. It is further submitted that the petitioner was re-appointed pursuant to the direction issued by this Court for consideration of her representation and that the competent authority passed the order dated 12.03.2021 after considering the matter. Learned State counsel further

submits that the acquittal earlier recorded in favour of the petitioner was subsequently set aside by the Sessions Court on 20.03.2023 and the matter was remanded for further proceedings. It is also submitted that a criminal revision arising out of the said proceedings is pending consideration. On these grounds, learned State counsel submits that the petitioner is not entitled to the relief claimed in the present petition.

5. Heard learned counsel for the parties and perused the material available on record.
6. It appears from the record that the petitioner's services were terminated by an order passed by the Collector and that, in the earlier round of litigation, this Court considered the question of jurisdiction of the authority which had passed the termination order. Thereafter, pursuant to the direction issued by this Court, the petitioner's representation was considered and the order dated 12.03.2021 was passed, re-appointing her to the post of Assistant Teacher (Panchayat) on probation for a period of two years.
7. The principal question which arises for consideration is whether, in the facts and circumstances of the case, the respondent authorities were justified in treating the petitioner as a fresh appointee instead of reinstating her in service, particularly in view of the provisions governing disciplinary control over Shiksha Karmis.
8. Admittedly, the petitioner was appointed under the Rules of 1997. Rule 9 of the Rules of 1997 deals with discipline and control over Shiksha

Karmis. For the sake of convenience, the relevant provision is reproduced hereinbelow:—

“9. Discipline and Control:— The Shiksha Karmis shall be under the administrative control of Zila Panchayat or Janpad Panchayat, as the case may be. The General Administration Standing Committee of the Zila Panchayat or Janpad Panchayat, as the case may be, shall be the disciplinary authority for major punishment and the Chief Executive Officer of the Panchayat for the minor punishment.”

9. A perusal of the aforesaid provision makes it clear that disciplinary control over Shiksha Karmis is vested in the authorities specified therein. The power to impose punishment must, therefore, be exercised by the competent authority in accordance with the applicable statutory Rules.
10. The aforesaid issue has already been considered by this Court in WPS No. 4347 of 2022, wherein the petitioner therein was initially appointed as Shiksha Karmi Grade-III and her services were terminated by the Collector without holding an inquiry in accordance with the applicable Rules. In the said case, the Court considered the earlier order passed in WPS No. 3455 of 2020, wherein it was observed that the Collector had exceeded his jurisdiction in passing the termination order and that the disciplinary authority under Rule 9 of the Rules of 1997 had not exercised its jurisdiction.
11. The Court further held that, once the termination order had been found to have been passed by an authority lacking jurisdiction, the subsequent

decision to re-appoint the employee instead of reinstating her in service was illegal and arbitrary. Accordingly, the order of re-appointment was modified and the competent authority was directed to reinstate the petitioner in service, extending to her the benefits attached to the post from the date of her initial appointment.

12. The legal principle laid down in the aforesaid judgment is applicable to the issue involved in the present case, subject to the facts and circumstances established from the record. Where the original order of termination has been passed by an authority lacking jurisdiction under the applicable statutory Rules, the subsequent consideration of a representation pursuant to a judicial direction cannot, by itself, confer validity upon the action taken by the incompetent authority or justify treating the employee as a fresh appointee.
13. In the present case, the petitioner was permitted to pursue her representation pursuant to the order passed by this Court in the earlier round of litigation. The respondent authority thereafter passed the order dated 12.03.2021, re-appointing the petitioner on probation for a period of two years. However, if the original termination was without jurisdiction, the authority was required to consider the legal consequence of such defect while deciding the petitioner's representation. Merely permitting the petitioner to rejoin service would not, by itself, resolve the question of continuity of service and consequential benefits.
14. So far as the submission of learned State counsel regarding the subsequent setting aside of the petitioner's acquittal and the pendency of

criminal proceedings is concerned, the same has been taken into consideration. The status of the criminal proceedings is a relevant circumstance; however, the question of criminal liability and the question of competence of the authority which passed the original termination order are distinct issues. The former cannot, by itself, confer disciplinary jurisdiction upon an authority which does not possess such jurisdiction under the applicable statutory Rules. The respondent authorities must act in accordance with the governing service Rules and the legal principles laid down by this Court. The consequences, if any, flowing from the subsequent developments in the criminal proceedings shall remain subject to the orders passed by the competent criminal court and the applicable law.

15. In view of the foregoing discussion and the legal principle laid down by this Court in WPS No. 4347 of 2022, the decision of the respondent authority to treat the petitioner as a fresh appointee and to impose a fresh probationary period cannot be sustained, if the termination which preceded the order dated 12.03.2021 was passed by an authority lacking jurisdiction under the applicable Rules. Consequently, the impugned order dated 12.03.2021 is liable to be modified to the extent indicated hereinabove, subject to verification of the relevant record concerning the earlier proceedings and the status of the petitioner's service.
16. Accordingly, the respondent authority is directed to reinstate the petitioner in service by modifying the order dated 12.03.2021 to the extent indicated above. The petitioner shall be treated as continuing in service from the date of her initial appointment and shall be entitled to

the benefits attached to the post in accordance with law. The aforesaid directions shall be implemented by the competent authority within a period of three months from the date of receipt of a copy of this order.

17. In the result, the writ petition stands allowed. No cost(s).

SD/-
(Bibhu Datta Guru)
JUDGE

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