



CGHC010235432025



2026:CGHC:29369

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6808 of 2025

1 - Sugmata Tiwari @ Sugmata Shukla W/o Ashwani Shukla Aged About 64 Years R/o Behind Vivekanand Ashram, Idgah Bhata, Dist. Raipur Chhattisgarh

2 - Hiralal Yadu S/o Late Sunder Lal Yadu Aged About 64 Years R/o Mahadev Nagar, Changorabhata, Dist. Raipur, Chhattisgarh

--- Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education Govt. Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

2 - The Director Directorate Of Public Instructions, Govt. Of Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

3 - The District Education Officer District Raipur Having Its Office At Pension Bada, Raipur, Chhattisgarh

4 - The Principal Ganpat Sindhi Higher Secondary School, Mahamai Para, Purani Basti Raipur, Chhattisgarh

--- Respondents

WPS No. 6831 of 2025

1 - Smt. Shakuntala Gaikwad W/o Late Ajay Rao Gaikwad Aged About 64 Years R/o Marathapara Ward, District - Dhamtari, Chhattisgarh

2 - Dihuram Dhruw S/o Mehattar Ram Dhruw Aged About 64 Years R/o Mahima Sagar Ward, District - Dhamtari, Chhattisgarh

---Petitioners

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education, Govt. Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

2 - The Director Directorate Of Public Instructions, Govt. Of Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

3 - The District Eucation Officer District Raipur Having Its Office At Pension Bada, Raipur, Chhattisgarh

4 - The Principal Nathuram Motilal Madhyamik Vidyalay Dhamtari, Chhattisgarh

--- Respondents

WPS No. 6824 of 2025

1 - Kiran Sharma W/o Shri K.P. Sharma Aged About 67 Years R/o Near Sheetala Mata Mandir, Pragati Vihar, Santoshi Nagar, Raipur Chhattisgarh

2 - Rajkumari Khubhchandani W/o Shri Kanhaiyalal Khubchandani Aged About 65 Years R/o Nagar Nigam Colony, Ramsagar Para, Dist. Raipur, Chhattisgarh

3 - Mandira Bakshi W/o Shri Suresh Bakshi Aged About 64 Years R/o Ganpati Nagar, Near Bharat Kirana Store, Changorabhata, Dist. Raipur, Chhattisgarh

4 - Premlal Nishad S/o Ram Charan Nishad Aged About 62 Years R/o H.No. D-412, Maitri Nagar, Raipur, Chhattisgarh

---Petitioners

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education Govt. Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

2 - The Director Directorate Of Public Instructions, Govt. Of Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

3 - The District Education Officer District Raipur Having Its Office At Pension Bada, Raipur, Chhattisgarh

4 - The Principal R.K. Sindhi Vidya Mandir, Ramsagarpara, Raipur, Chhattisgarh

--- Respondents

WPS No. 10307 of 2025

1 - Sushil Kumar Panda S/o Dashrath Panda Aged About 62 Years R/o Ward No. 12, Shanti Nagar Lailunga, Dist. Raigarh, C.G.

2 - Balak Ram Bhagat S/o Birat Ram Bhagat Aged About 62 Years R/o H. No. 47, Ward No. 3 Khar, Lailunga, Dist. Raigarh, C.G.

3 - Maniyar Sai S/o Manda Ram Aged About 64 Years R/o H. No. 31, Mukhya Basti Lailunga, Dist. Raigarh, C.G.

4 - Sukhsagar Paikra S/o Jitan Ram Paikra Aged About 62 Years R/o H. No. 83, Ward No. 3, Ramabhata, Dist. Raigarh, C.G.

5 - Tosh Kumar Patel S/o Laxmi Prasad Patel Aged About 61 Years R/o H. No. 68, Mukhya Basti, Usraut, Dist. Raigarh C.G.

6 - Shyamlal Ram S/o Late Bajruram Aged About 63 Years R/o H. No. 34/4, Mukhya Basti, Lailunga, Dist. Raigarh C.G.

7 - Ram Charan Ram S/o Akluram Aged About 63 Years R/o Gahira, Dist. Raigarh, C.G.

8 - Hargovind Das Vaishnav S/o Gopal Das Vaishnav Aged About 62 Years R/o Jhagarpur, Dist. Raigarh C.G.

---Petitioners

Versus

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

2 - The Director, Directorate Of Public Instructions, Govt. Of Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nava Raipur, C.G.

3 - The District Education Officer, District Raigarh Having Its Office At Sakti Road, Chandra Nagar Colony Raigarh C.G.

4 - The Principal, Rameshwar Gahira Sanskrit Purv Madhyamik Vidyalay Ashram, Gahira

5 - The Principal, Rameshwar Gahira Sanskrit Purv Madhyamik Vidyalay Ashram, Samarbar

--- Respondents

WPS No. 10273 of 2025

1 - Purushottam Singh S/o Jadubar Ram, Aged About 54 Years R/o H.No. 43/4, Mukhya Basti, Gahira, Lailunga, District Raigarh, Chhattisgarh

2 - Gopal Prasad Yadav S/o Chait Ram Yadav Aged About 57 Years R/o H.No. 8/3, Hirapur, District Raigarh, Chhattisgarh

3 - Vishnu Kumar Gupta S/o Moti Sao Aged About 54 Years R/o H.No. 30, Ward No. 13, Kotba Road, Lailunga District Raigarh, Chhattisgarh

4 - Leela Wati Singh W/o Dhaneshwar Prasad Aged About 48 Years R/o H.No. 605, Ward No. 11, Lailunga, District Raigarh, Chhattisgarh

5 - Hiradhar Rathiya S/o Makhan Aged About 56 Years R/o H.No. 19/4, Mukhya Basti, Gahira, District Raigarh, Chhattisgarh

6 - Jadav Ram Pradhan S/o Mitrabhan Pradhan Aged About 58 Years R/o H.No. 169, Jhagarpur, District Raigarh, Chhattisgarh

---Petitioners

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education Govt. Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

2 - The Director, Directorate Of Public Instructions, Govt. Of Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

3 - The District Education Officer, District Raigarh Having Its Office At Sakti Road, Chandra Nagar Colony Raigarh, Chhattisgarh

4 - The Principal, Rameshwar Gahira Sanskrit Purv Madhyamik Vidyalay Ashram, Gahira

5 - The Principal, Rameshwar Gahira Sanskrit Purv Madhyamik Vidyalay Ashram, Hostel

--- Respondents

WPS No. 398 of 2020

1 - Smt. Susanna Toppo W/o Shre Leous Toppo Aged About 65 Years R/o House No. 3/11, Ward No. 3, Sanjay Maidan Road, Ram Bhata, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

2 - Smt. Shanti Hota W/o Shri Ashish Kumar Hota Aged About 69 Years R/o Ward No. 26, Beladula Road, In Front Of Kachchi Kholi, Beladula, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

3 - Smt. Elizabeth Barwa W/o Shri Habil Barwa Aged About 69 Years R/o Ward No. 3, Ram Bhata, Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

4 - Smt. Ignis Minj W/o Shri Fardinand Minj Aged About 65 Years R/o Ward No. 4, Main Road Gali, Ram Bhata, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

5 - Devanand Sidar S/o Shri Kripa Ram Sidar Aged About 65 Years House No. 43/3, Purani Basti Gahira, Lailunga, Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

6 - Kaushik Ram Gupta S/o Shri Maloo Ram Gupta Aged About 65 Years R/o House No. 591, Ward No. 11, Shanti Nagar, Lailunga, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

7 - Manohar Singh S/o Shri Madho Ram Aged About 67 Years R/o House No. 12, Mukhya Basti, Gahira, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

8 - G.Geeta Swamy D/o Shri G. Sitaram Swamy Aged About 72 Years R/o Railway Banglapara, Near Sai Mandir, Ward No. 13, Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

9 - Smt. Sushila Khalkho W/o Late Shri George William Aged About 62 Years (Retired Asst. Teacher), R/o Village - Pakhaankot, Barband, Dharamjaigarh, Chhattisgarh., Chhattisgarh

---Petitioners

Versus

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

2 - The Director Directorate Of Public Instructions, Pension Bada, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - District Education Officer District Raipur, Having Its Office At Pension Bada, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondents

For Petitioners	:	Mr. Sudhanshu Upadhyay , Advocate
For State	:	Mrs. Shailja Shukla, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

13.07.2026

1. Learned counsel for the State submits that the issue raised in this writ petition is considered and decided by the Co-ordinate Bench of this Court in a writ petition bearing WPS No. 2789 of 2017 (*Ashok Kumar Hazra and Others Vs. State of Chhattisgarh and Others*) and other connected matters and the writ petitions (therein) were dismissed on merits.

2. Learned counsel for the petitioners do not dispute the submission made by learned counsel for the State and submits that identical issue was decided by the Co-ordinate Bench of this Court in WPS No. 2789 of 2017 and other connected matters.
3. Heard learned counsel for the respective parties.
4. Relevant portion of the order dated 11.12.2025 passed by the Co-ordinate Bench of this Court in WPS No. 2789 of 2017 along with other connected matters is extracted below for ready reference:-

7. The object of the Act of 1978 is to make provision for regulating payment of salaries to teachers and other employees of Non-Government Schools receiving grant-in-aid from the State Government and Non-Government Educational Institutions for Higher Education receiving grants from the Madhya Pradesh Uchcha Shiksha Anudan Ayog and other matter ancillary thereto.

8. For the sake of convenience, Rules 2(f)(i)(j) of the Rules, 1978 are quoted below:-

1) Maintenance grant means grant payable to the Institution by the State Government or the Ayog as the case may be, for maintenance:

xxx

(i) "Teacher" means a teacher of an institution in respect of whose employment maintenance grant is paid by the State Government or the Ayog as the case may be to the institutions and includes any other teacher employed with the prior approval of the authority specified by the State Government in this behalf in fulfilment of the conditions of recognition/ affiliation of an institution or of a new subject or a higher class or a new section in the existing class by the Madhya Pradesh Board of Secondary Education or any University or the Ayog as the case may be and shown on the pay roll of the institution against a post as being in the employment as such but does not include a teacher whose appointment is disapproved under clause (c) of section 6:

(j) "Salary" means the pay and dearness allowance for the time being payable to a teacher or an employee at the rate approved for the purpose of payment of maintenance grant;"

9. The said Act has subsequently been amended in the year 2000 (for short, "the amended Act 2000) Rule 2(1) of the Amendment Act, 2000 reads thus:-

"(j) 'salary' means the salary and other allowances payable to a teacher or an employee at the rate as may be notified by the institution."

10. The State Government also revised the Rules for grant-in-aid to Non-Government Educational Institutions in the name and style of Revised Rules for Grant-In-Aid. The said Rules have been framed with a view to provide assistance for non-Government effort in the field of education, a sum of money is annually set apart from the State funds to be expended as grant-in-aid for educational institutions under non-Government management. The State Government make the following Rules for regulating grant-in-aid.

Rule 33 of the Revised Rules reads thus:-

"33. (i) The scales of pay of the teachers including the Head of the Institution, and other employees of an in receipt of educational institution which Government grant shall be in accordance with those sanctioned for the corresponding categories of employees in Government educational institutions.

(ii) Appointments, qualifications of the teachers and other employees, payment of salaries and conditions of service shall be governed by the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetano Ka Sanday) Adhiniyam, 1978 and the rules made thereunder."

11. Perusal of the aforesaid provisions, it is clear that as per the Rules, 1978 "Teacher" means of an institution in respect of whose employment maintenance grant is paid by the State Government whereas the "salary" means the pay and dearness allowance for the time being payable to a teacher or an employee at the rate approved for the purpose of payment of maintenance grant.

12. According to Rule 10 of the Rules, 1978, the State Government may, by notification, would make rules for carrying out of the purposes of this Act. Subsequently by the Amendment Act, 2000, the word "salary" has been defined that salary means the salary and other allowances payable to a teacher or an employee at the rate as may be notified by the institution. From bare perusal of the said provision, it is crystal clear that 'salary' means the salary and other allowances and there is no word of pensionary benefits.

13. Even in the Rule 33 of the Revised Rules, scale of pay of the teachers including the Head of the Institution, and other employees of an educational institution which is in receipt of Government grant shall be in accordance with those sanctioned for the corresponding categories of employees in Government educational institutions whereas the appointments, qualifications of the teachers and other employees payment of salaries and conditions of service shall be governed by the provisions of the Rules, 1978 and the rules made thereunder.

14. On a specific query made, the petitioners failed to establish that there are any rules with regard to grant of pensionary benefits. Even the Government is granting aid to the schools only for the purpose of proper management and small funding and, as such, it cannot be said that the petitioners are also entitled for pensionary benefits at par with the government teachers.

15. It is well settled law that the Court cannot direct the legislature to enact a particular law for reason that under the constitutional scheme Parliament exercises sovereign power to enact law and no outside power or authority can issue a particular piece of legislation [See: **Supreme Court Employees' Welfare Association v Union of India Another (1989) 4 SCC 187**].

16. Very recently the Supreme Court in the matter of Vikram Bhalchandra Ghongade vs. Headmistress Girls High School and Junior College, Anji (Mothi), Tahsil and District Wardha and Others reported in (2025) 10 SCC 248 = 2025 LiveL.aw (SC) 696 categorically held that the posts in aided schools are either sanctioned by the Government or approved in accordance with

the Rules and pay and allowances are also paid by the Government. The aided school teachers are also entitled to some of the conditions of service as are applicable to government teachers, with entitlement of pension, provident fund and gratuity as applicable, in accordance with the Rules brought out under Article 309 of the Constitution of India.

17. It is noteworthy to mention here that in the aforesaid decision the Supreme Court held that the aided school teachers are entitled to some of the conditions to service as are applicable to the government teachers in accordance with the rules brought out under Article 309 of the Constitution of India whereas in the cases at hand there is no such rules which have been framed in the said provisions of the Constitution.

18. Having considered the entire facts and circumstances of the case, this Court is of the considered view that in absence of particular rules, the State cannot be directed to make rules by extending the pensionary benefits to the retired teachers/employees of the aided schools at par with the teachers/employees of the State Government.

19. In the result, all the petitions sans substratum, are liable to be and are hereby dismissed. No order as to cost(s).”

5. In view of the submission made by learned counsel for the respective parties, these writ petitions are also **dismissed** in terms of the order dated 11.12.2025 passed by Co-ordinate Bench of this Court in WPS no. 2789 of 2017 along with other connected matters.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
Judge