



CGHC010254692026



2026:CGHC:27894-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5093 of 2026

Vishnu Prasad Nayak S/o Shri Patiram Nayak, aged about 51 years, working as Assistant Teacher and posted at Govt. Primary School Salhetola, Block Doundi-Lohara, District Balod Chhattisgarh

... **Petitioner**

versus

1 - State of Chhattisgarh, through Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur District Raipur (C.G.)

2 - Joint Director, Education Division Durg, District Durg Chhattisgarh

3 - District Education Officer, Balod District Balod Chhattisgarh

... **Respondents**

For Petitioner	:	Mr. Tikeshwar Prasad Kaushik, Advocate
For State/Respondents	:	Mr. Vivek Sharma, Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

07.07.2026

1. Heard Mr. Tikeshwar Prasad Kaushik, learned counsel for the petitioner as well as Mr. Vivek Sharma, learned Advocate General, appearing for the State/respondents.

2. The present writ petition has been filed by the petitioner with the following prayers:

“(i) That, this Hon'ble Court may kindly be pleased to held Ultra Virus Schedule-II Sr. No. 26 of Rules 2019 to the extent that it is not providing C.P.Ed. along with B.P.Ed./D.P.Ed. as necessary qualification for promotion on the post of C.P. Ed. in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider C.P. Ed. also as necessary qualification for promotion on the post of P.T.I. and accordingly Annexure P-2 may be quashed and the petitioner may considered and granted promotion with all consequential benefit, within stipulated period, in the interest of justice.

(iii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted in the interest of justice.”

3. Brief facts of the case are that the petitioner was initially appointed as Assistant Teacher (Panchayat) on 28.07.2008 and possesses a Certificate in Physical Education (C.P.Ed.), which is also recorded in his service book. He was absorbed in the Education Department on 01.07.2018. In the district-level seniority list issued by the District Education Officer, Balod, as on 01.04.2023, the petitioner was placed at Serial No.1. However, while preparing the divisional-level seniority list dated 18.05.2023 for promotion to the post of Teacher (Sport)/Physical Training Instructor (PTI), the name of the petitioner was not included. The petitioner submitted objections and representations contending that his name, which was reflected in the district seniority list, had wrongly

been omitted from the divisional seniority list, however, his objections and representations have not been considered. Being aggrieved by the same, the petitioner filed writ petition before this Court being WP(S) No. 391/2024, in which direction was issued to consider the pending representation of the petitioner within a period of 45 days. Pursuant to the direction issued by this Court in W.P.(S) No.391/2024, the representation of the petitioner was considered and rejected by the authorities on the ground that as per the Chhattisgarh School Education Service (Education and Administrative Cadre) Recruitment and Promotion Rules, 2019, the prescribed qualification for promotion to the post of Sport Teacher is B.P.Ed. or D.P.Ed., whereas the petitioner possesses only C.P.Ed. Aggrieved by the said rejection, the petitioner has filed the present writ petition contending that C.P.Ed. is also a recognized qualification in the field of physical education and exclusion of C.P.Ed. from the eligibility criteria is arbitrary and discriminatory

4. Learned counsel for the petitioner submits that the petitioner has rendered more than 15 years of service as Assistant Teacher and possesses the requisite qualification of C.P.Ed., which is duly recognized and recorded in his service book. It is contended that the petitioner was placed at Serial No.1 in the district-level seniority list, but his name has been illegally omitted from the divisional-level seniority list for promotion to the post of Sport Teacher. Learned counsel submits that the rejection of the petitioner's claim solely on the ground that he does not possess B.P.Ed. or D.P.Ed. is arbitrary and contrary to the object of the recruitment rules, as C.P.Ed. also provides training in

physical education and is equivalent in nature for imparting physical training. It is further submitted that prior to the Rules of 2019, C.P.Ed. was a recognized qualification for appointment and promotion to the post of Physical Training Instructor. Merely because the subsequent Rules of 2019 mention B.P.Ed. and D.P.Ed. and do not specifically include C.P.Ed., the petitioner cannot be deprived of consideration for promotion. Learned counsel contends that there is no express exclusion of C.P.Ed. under the Rules and, therefore, the action of the respondents in treating the petitioner as ineligible is discriminatory and violative of Articles 14 and 16 of the Constitution of India. It is, therefore, prayed that the rejection order be quashed and the respondents be directed to consider the petitioner for promotion to the post of Sport Teacher.

5. Per contra, learned Advocate General, appearing for the State/ respondents opposes the writ petition and submits that the claim of the petitioner is contrary to the statutory provisions governing promotion. It is contended that promotions are to be made strictly in accordance with the Chhattisgarh School Education Service (Education and Administrative Cadre) Recruitment and Promotion Rules, 2019, which specifically prescribe the eligibility qualification for the post of Sport Teacher. As per Schedule-II, Serial No.26 of the Rules, 50% of promotional posts are required to be filled from candidates possessing D.P.Ed. qualification and the remaining 50% from candidates possessing B.P.Ed. qualification. Since the petitioner possesses only C.P.Ed. qualification, he does not fulfill the prescribed eligibility criteria. Learned Advocate General further submits that the petitioner cannot

claim promotion as a matter of right merely on the basis of seniority. Seniority becomes relevant only amongst candidates who fulfill the prescribed eligibility conditions. The qualification prescribed under the statutory rules has been framed by the competent authority after due consideration and the Court cannot substitute its own opinion regarding equivalence of qualifications. It is submitted that the petitioner has neither challenged the validity of the Rules, 2019 nor produced any material to establish that C.P.Ed. is equivalent to B.P.Ed. or D.P.Ed. for the purpose of promotion. Therefore, the writ petition deserves to be dismissed.

6. Heard learned counsel for the parties and perused the material available on record.

7. The undisputed facts reveal that the petitioner possesses C.P.Ed. qualification and seeks consideration for promotion to the post of Sport Teacher/Physical Training Instructor. The claim of the petitioner has been rejected by the respondents on the ground that under the Chhattisgarh School Education Service (Education and Administrative Cadre) Recruitment and Promotion Rules, 2019, the prescribed qualifications for promotion to the post of Sport Teacher are B.P.Ed. and D.P.Ed.

8. The Rules of 2019 are statutory rules framed by the competent authority governing recruitment and promotion. The eligibility criteria prescribed therein are required to be followed strictly. It is a settled principle of law that an employee has no vested right to seek promotion

except in accordance with the statutory rules applicable on the date of consideration. Seniority by itself does not confer any right of promotion unless the employee fulfills the prescribed eligibility criteria.

9. The contention of the petitioner that C.P.Ed. is also a recognized qualification in physical education cannot be accepted in the absence of any material demonstrating that the said qualification has been declared equivalent to B.P.Ed. or D.P.Ed. under the Rules or by the competent authority. Determination of equivalence of educational qualifications is a matter within the domain of the rule-making authority or academic experts, and this Court, exercising jurisdiction under Article 226 of the Constitution, cannot direct inclusion of a qualification which has not been prescribed under the statutory rules.

10. The petitioner has also not challenged the constitutional validity of the Rules, 2019 on any substantive ground nor has he established that the classification made between candidates possessing B.P.Ed./D.P.Ed. and those possessing C.P.Ed. is arbitrary or without any rational basis. The prescription of specific qualifications for a specialized post such as Sport Teacher is within the competence of the State Government and cannot be interfered with merely because the petitioner possesses another qualification in the same field.

11. In view of the aforesaid discussion, this Court finds that the respondents have rightly rejected the claim of the petitioner for consideration of promotion to the post of Sport Teacher, as he does not possess the qualifications prescribed under the Rules of 2019. The

petitioner has failed to establish any violation of statutory provisions or infringement of any legal right warranting interference under Article 226 of the Constitution of India.

12. Accordingly, the writ petition, being devoid of merit, is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra