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2026:CGHC:42956-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 844 of 2026

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Shri Anil Kumar Sharma S/o Gapalkrishna Sharma, Aged About 55 Years,
Presently Posted As Lecturer P. M Shri Swami Atmanand English Utkarishta
Vidhyalaya Baloda, District - Janjgir-Champa, C. G.

... Appellant

versus

- 1. State of Chhattisgarh Through Its Secretary Department of School Education Mahanadi Bhawan Mantralaya, Atal Nagar, Naya Raipur District – Raipur, C. G.
- 2. Director Directorate of Public Instructions, Indrawati Bhawan, Mantralaya, Atal Nagar Naya Raipur ,District - Raipur C. G.
- 3. District Education Officer, Janjgir-Champa, Janjgir, District - Janjgir-Champa, C. G.
- 4. Ravi Kumar Gautam S/o Late Shri Deena Nath Goutam, Aged About 51 Years, Presently Posted As In Charge Block Education, Officer, Baloda, Block Baloda, District - Janjgir-Chamapa C. G.

... Respondent(s)

For Appellant	:	Ms. Sharmila Singhai, Senior Advocate assisted by Ms. Kanchan Kalwani, Advocate.
For State	:	Mr. P. K. Bhaduri, Deputy Advocate General.
For Respondent No.4	:	Mr. Amrito Das, Senior Advocate assisted by Mr. Varchasva Agrawal, Advocate.

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice
Hon'ble Shri Santosh Sharma, Judge

Judgment on Board

Per Krushna Ram Mohapatra, Chief Justice

05.10.2026

1. Heard Ms. Sharmila Singhai, learned Senior Advocate assisted by Ms. Kanchan Kalwani, learned counsel appearing for appellant as well as Mr. P. K. Bhaduri, learned Deputy Advocate General, appearing for the State and Mr. Amrito Das, learned Senior Advocate assisted by Mr. Varchasva Agrawal, appearing for respondent No.4.
2. Order dated 23.06.2026 (Annexure – A/1) passed by the learned Single Judge in WPS No. 4582/2026 is under challenge in this intra Court appeal, wherein the writ petition filed by respondent No. 4 was allowed, setting aside the order dated 10.06.2026, insofar as it entrusts the appellant with the charge of Block Education Officer, Baloda, Baloda.
3. The respondent No. 4 filed WPS No. 4582/2026 assailing the order dated 10.06.2026 passed by the Department of School Education, Government of Chhattisgarh, whereby the present appellant, who was working as Principal In-Charge of P.M. Shri Swami Atmanand English Medium School, Baloda, District – Janjgir-Champa (C.G.), was given the charge of Block Development Officer, Baloda, District – Janjgir-Champa (C.G.).
4. Learned Senior Advocate appearing for the appellant submits that the appellant, who was discharging duties as Principal In-Charge of the aforesaid school, which is a high school. He was given the charge of Block Education Officer. Since he was holding the post of Principal In-Charge and was discharging administrative duties, there was no illegality in giving him the charge of Block Education Officer, Baloda. It is further submitted that Section 27 of the

Right of Children to Free and Compulsory Education Act, 2009 is not applicable to the case in hand, as the school in which the appellant was Principal In-Charge does not fall within the definition of Section 2(n) of the said Act.

5. Section 27 of the Right of Children to Free and Compulsory Education Act, 2009 (for brevity “the Act, 2009”) reads as under:-

“27. Prohibition of deployment of teachers for non-educational purposes.- No teacher shall be deployed for non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.”

6. Section 2(n) of the Act, 2009 reads as under:-

“2. Definitions

(a) to (m) xxx xxx xxx

(n) “school” means any recognised school imparting elementary education and includes-

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;”

(o) to (q) xxx xxx xxx

7. It is her submission that the school in which the appellant was posted is not an elementary school for which Section 27 would not be applicable. Further, learned Senior Counsel submits that the provisions of the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2026 (for brevity, “the Rules, 2026”) were not made applicable in the instant case properly. It is her submission that since the appellant was holding the post of Principal In-Charge, he was eligible to be considered for

being given the charge of Block Education Officer. She lastly submits that matters challenging various provisions of the Rules, 2026 are pending before this Court, in which similar facts and issues are involved. She, therefore, submits that the writ appeal be linked to those matters.

8. Mr. Das, learned Senior Advocate appearing for respondent No. 4 (writ petitioner), submits that the appellant was not holding the substantive post of Principal of the “E” and “T” cadre. He was kept in charge as Principal In-Charge. The appellant was substantively appointed as a Lecturer and was never promoted to the cadre of Principal. Since the appellant does not hold the substantive cadre post of Principal of the “E” and “T” cadre, he could not have been considered for being given the charge of Block Education Officer. In that process, respondent No. 4, who is otherwise eligible to be considered for the post of Block Education Officer, has been deprived. Learned Single Judge has vividly discussed the same in paragraph No. 8 onwards of the impugned order before arriving at the impugned conclusion. Learned Single Judge has substantially dealt with the eligibility of the appellant for being considered for giving the charge of Block Education Officer. Learned Single Judge has also referred to the Schedule appended to the Rules, 2026, in which it is categorically indicated that the post of Block Education Officer can be filled either by deputation or by promotion. 75% of the posts can be filled by way of promotion from amongst Assistant Block Education Officers and 25% of the posts shall be filled by Principals of the “E” and “T” cadre according to the cadre posts. In the instant case, the appellant does not hold a cadre post of Principal belonging to the “E” and “T” cadre. Thus, he could not have been given the charge of Block Education Officer. Vide order dated 10.06.2026 passed by the Department of School Education, the present appellant, who was working as Principal In-Charge of P.M. Shri Swami Atmanand English Medium School, Baloda, District – Janjgir-Champa (C.G.), was given the charge of Block Education

Officer, Baloda, District – Janjgir-Champa (C.G.), is thus patently contradictory to the provisions of the Rules, 2026. Hence, the learned Single Judge has committed no error in setting aside the said order insofar as it relates to the present appellant. He, therefore, submits that the writ appeal, being devoid of merit, should be dismissed.

9. Mr. Bhaduri, learned Deputy Advocate General appearing for the State, reiterating the contentions made by the learned State counsel before the learned Single Judge, submits that the performance of respondent No. 4 was not satisfactory, hence, the appellant, who was continuing as In-Charge Principal, has been posted as In-Charge Block Education Officer. He, therefore, submits that the submissions of learned counsel for the parties may be considered and the matter be dealt with in accordance with law.

10. We have heard learned counsel for the parties and perused the materials on record. We have also gone through the writ petition and the documents appended thereto, which were placed before us. We have also meticulously gone through the impugned order passed by the learned Single Judge. Upon hearing learned counsel for the parties and perusal of the records, we proceed to adjudicate the matter bearing upon the following undisputed facts. The appellant was posted as Principal In-Charge of P.M. Shri Swami Atmanand English Medium School, Baloda, District – Janjgir-Champa (C.G.). On the other hand, Respondent No. 4, (the writ petitioner) was continuing as Assistant Block Education Officer pursuant to order dated 26.09.2015. The said post is the feeder administrative post as per the Rules, 2026 for promotion to the cadre of Block Education Officer. As there was no DPC, the Respondent No. 4 was continuing as Assistant Block Education Officer. However, in view of the aforesaid facts and the dispute involved and on perusal of the relevant provisions, more particularly the Schedule appended to the Rules, 2026, it is

clear that the post of Block Education Officer can either be filled up by deputation or by promotion. 75% of the vacant posts of Block Education Officer can be filled up by way of promotion from the feeder cadre of Assistant Block Education Officer. Further, 25% of the posts can be filled by Principals of the “E” and “T” cadre. In view of the above, an employee to be promoted/deputed to the post of Block Education Officer would either hold the substantive feeder post of Assistant Block Education Officer or Principal of the “E” and “T” cadre.

11. Admittedly, the appellant was holding the substantive post of Lecturer. However, he was given the charge of Principal of the aforesaid school. Thus, he was not in the feeder cadre to be considered for the post of Block Education Officer. On the other hand, respondent No. 4 was holding a post in the feeder cadre and was eligible to be considered for the post of Block Education Officer. In view of the above, the appellant, who was not holding the substantive post of Principal of the “E” and “T” cadre, could not have been considered for being given the charge of Block Education Officer. In the instant case, ignoring the claim of respondent No. 4, the appellant was given the charge of Block Education Officer, although he was not holding the feeder post of Principal of the “E” and “T” cadre. The same has been vividly discussed by the learned Single Judge in the impugned order.

12. Further, the prayer made by learned Senior Counsel appearing for the appellant to link the appeal with the matters pending before this Court, wherein the vires of Rules, 2026 is under challenge, cannot be accepted as the appellant did not challenge the vires of Rules, 2026 in the writ petition.

13. Taking into consideration the rival contentions of the parties, the provisions of law and the materials on record, we find no infirmity in the impugned order.

14. Accordingly, the writ appeal, being devoid of merit, is **dismissed**.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

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