



CGHC010371552026



2026:CGHC:43714

**SOURABH
BHILWAR**

Digitally signed by
SOURABH BHILWAR
Date: 2026.10.12
11:13:56 +0530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6958 of 2026

Deluram Khare S/o Late Shri Ramprasad Khare Aged About 53 Years
R/o Village - Charbhata, Post - Pendraavan, Police Station - Sarseeva,
Tahsil - Bilaigarh, Distt. Sarangarh-Bilaigarh (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mahanadi Bhawan, Mantralay, Police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District - Raipur (C.G.)

2 - Divisional Joint Director, Office Of Divisional Joint Director, Public Instructions Division, Integrated Education Complex, 1st Floor, Pension Bada, Raipur, Distt. Raipur (C.G.)

3 - District Education Officer (D.E.O.), Office Of District Education Officer, Bemetara, Distt. Bemetara (C.G.)

4 - Pradeep Kumar Banjare, In-Charge Principal, Substantive Post - Lecturer (L.B.), Goverment Higher Secondary School, Kunra, Block - Navagarh, Bemetara, Distt. Bemetara (C.G.)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	: Mr. Abhishek Pandey, Advocate alongwith Mr. Rishabhdev Sahu, Advocate
For Respondents/State	: Mr. Suyashdhar Badgaiya, Govt. Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

08.10.2026

1. By the present writ petition, the petitioner seeks quashment of the order dated 30.05.2026 (Annexure P/4) passed by respondent No.3, whereby respondent No.4, who is junior to the petitioner, has been assigned the charge of Principal, Government Higher Secondary School, Kunra, Block Navagarh, District Bemetara (C.G.).
2. Learned counsel for the petitioner submits that the petitioner, whose substantive post is Lecturer, is senior to respondent No.4, who is working as Lecturer (LB). He submits that the petitioner was initially posted as In-charge Principal of Government Higher Secondary School, Kunra, District Bemetara, but was replaced by respondent No.4 vide order dated 18.09.2024, which was subsequently quashed by this Court vide order dated 17.03.2025 passed in WPS No.6325/2024, and the petitioner was restored to the said post. However, after the retirement of the regular Principal, Mr. Jagjeevan Ram Sahu, on 31.05.2026, respondent No.3, vide order dated 30.05.2026 (Annexure P/4), again assigned the charge of In-charge Principal to respondent No.4, who is junior to the petitioner. Learned counsel further contends

that the impugned order is contrary to the departmental circulars and instructions stipulating that the charge of Principal should be assigned to a senior officer. Hence, the present petition has been filed seeking quashment of the impugned order.

3. On the last date of hearing, learned State counsel was directed to file a reply/ affidavit explaining the reasons for assigning the charge of In-charge Principal to respondent No.4, who is junior to the petitioner, despite the petitioner being senior to him.
4. In compliance with the above direction, the State has filed its return. By referring to the same, learned State counsel submits that certain complaints were received against the petitioner regarding misappropriation of Government funds, pursuant to which departmental proceedings were initiated. He submits that, upon completion of the departmental enquiry, misappropriation of an amount of Rs.20,09,000/- was found against the petitioner while he was posted as Block Education Officer, Berla, District Bemetara, and that the petitioner, in his reply to the show-cause notice, admitted to having withdrawn the aforesaid amount and subsequently deposited the same. Learned State counsel further submits that although the petitioner is senior to respondent No.4, the assignment of charge of In-charge Principal is an administrative arrangement and does not confer any indefeasible right upon the petitioner merely on the basis of seniority. He would also submit that respondent No.4 has been assigned the charge of In-charge Principal of Government Higher Secondary School,

Kunra, District Bemetara, by the competent authority vide order dated 30.05.2026. It is, therefore, submitted that the impugned order does not suffer from any illegality or arbitrariness warranting interference by this Court and thus, the present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the documents available on record.
6. Having considered the submissions of learned counsel for the parties and upon perusal of the material available on record, this Court is of the view that the petitioner has failed to establish any legal or enforceable right to claim the charge of In-charge Principal of Government Higher Secondary School, Kunra, District Bemetara, merely on the basis of his seniority over respondent No.4. It is also borne out from the return filed by the State that departmental proceedings were initiated against the petitioner in connection with the alleged misappropriation of Government funds. In the these circumstances, the decision of the competent authority to assign the charge of In-charge Principal to respondent No.4 does not warrant interference by this Court in exercise of its writ jurisdiction.
7. It is noteworthy to mention here that there is no rule or provision brought to the notice of this Court which mandates that a senior employee would, as a matter of right, be entrusted with the current charge of a higher post. Seniority by itself does not confer

an indefeasible right upon an employee to hold the charge of a higher post. Mere seniority, in absence of any statutory provision creating such a right, cannot be the sole determining factor for entrustment of current charge.

8. In the present case, the competent authority has entrusted the charge of In-charge Principal of Government Higher Secondary School, Kunra, District Bemetara, to respondent No.4 as an administrative arrangement. The petitioner has not been able to demonstrate that the said entrustment has been made in violation of any statutory rule or binding instruction.
9. It is well settled that seniority alone is not sufficient to claim the charge of a higher post. Entrustment of current charge involves consideration of the overall suitability, experience, administrative requirements and other relevant circumstances by the competent authority. Seniority cannot be treated as an automatic substitute for suitability, nor can it be said that a senior employee has an absolute right to supersede every other eligible employee for being entrusted with the current charge of a higher post. In absence of any statutory violation, arbitrariness or mala fide being established, this Court, in exercise of its writ jurisdiction, would not substitute its own assessment for that of the competent authority.
10. In view of the aforesaid discussion and applying the well settled principles of law, this Court finds no illegality, arbitrariness or perversity in the order dated 30.05.2026 (Annexure P/4), passed

in respect of respondent No.4, warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India.

11. *Ex consequenti*, the writ petition, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-

(Bibhu Datta Guru)
JUDGE

\$. Bhilwar