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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7275 of 2026

Dr. Rajesh Suryavanshi S/o Shri Anuj Ram Dhruv Aged About 50 Years
Working As Medical Officer, District Hospital Dhamtari, District Dhamtari
Chhattisgarh.

... Petitioner

versus

**1 - State Of Chhattisgarh Through The Secretary, Health And Family
Welfare Department, Mahanadi Bhawan, Naya Raipur Atal Nagar
Raipur District Raipur Chhattisgarh.**

**2 – Director, Health Services, Indrawati Bhawan Naya Raipur Atal
Nagar Raipur District Raipur Chhattisgarh.**

**3 - Dr. Aditya Sinha, Working As Medical Officer, Community Health
Centre, Magarload, District Dhamtari Chhattisgarh.**

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	:Mr. Anand Shukla, Advocate
For Respondents/State	:Mr. Suyashdhar Badgaiya, Govt. Advocate
For Respondent No.3	:Mr. Prafull N. Bharat, Senior Advocate alongwith Mr. Akash Pandey, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge**Order on Board****14.10.2026**

1. By the present writ petition, the petitioner seeks quashment of the order dated 17.09.2026 (Annexure P/1) passed by respondent No.1, whereby respondent No.3, who is junior to the petitioner, has been assigned the charge of In-Charge Civil Surgeon cum Main Hospital Superintendent, District Hospital Dhamtari.
2. Learned counsel appearing for the petitioner submits that the petitioner, who was appointed as Medical Officer on 03.08.2016 and is presently posted at District Hospital, Dhamtari, was entrusted with the charge of In-charge Civil Surgeon-cum-Main Hospital Superintendent, District Hospital, Dhamtari, vide order dated 21.11.2024. However, vide impugned order dated 17.09.2026 (Annexure P/1), respondent No.3 has been entrusted with the aforesaid charge, despite being junior to the petitioner in the seniority list. By referring to the General Administration Department circular dated 14.07.2014, learned counsel submits that the charge of a vacant post cannot be entrusted to a junior officer by superseding a senior and eligible officer. He further submits that despite the petitioner's representation dated 18.09.2026, his grievance has not been considered.
3. During the course of hearing on 06.10.2026, learned State counsel contended that certain complaints had been received

against the petitioner, pursuant to which show-cause notices were issued to him. To controvert the said contention, the petitioner filed an application (I.A. No.03/2026) for taking documents on record, wherein he denied that any complaint had been made against him. He further submits that, in response to the show-cause notice issued in connection with his failure to mark attendance in the register at 10:00 a.m. on 09.05.2025, he had submitted a reply stating that he was present in the hospital on the said date but was engaged in other official duties, due to which he could not mark his attendance. He further explained that, being an eye specialist, he was engaged in examining and treating patients suffering from eye ailments and, therefore, could not always be present in the OPD. Learned counsel lastly submits that in the order impugned the respondent No.3 has been given the charge of In-charge Civil Surgeon-cum-Main Hospital Superintendent, District Hospital, Dhamtari by mentioning his posting is at District Hospital Dhamtari but the said respondent is not posted in District Hospital Dhamtari. In these circumstances, he prays that the impugned order, to the extent that it entrusts the aforesaid charge to respondent No.3, be quashed.

4. On the other hand, learned counsel appearing for respondents, while opposing the submissions made by learned counsel for the petitioner, would submit that respondent No.3 has been posted at District Hospital, Dhamtari, since the year 2023 and has been assigned various duties, including that of Nodal Officer and

Pathologist at the Pathology and Blood Centre, District Hospital, Dhamtari. They further submit that, pursuant to the order dated 18.05.2022 issued by the State Government, the petitioner was promoted to the post of Ophthalmologist and transferred to District Hospital, Kondagaon, and was accordingly relieved from District Hospital, Dhamtari vide order dated 21.06.2022. Learned counsel appearing for respondents by referring documents filed alongwith covering memo, submit that the respondent No.3 is presently posted in District Hospital Dhamtari and shows the seniority of the respondent No.3 over the petitioner. Hence the claim of the petitioner that he is senior to respondent No. 3 is totally baseless and not at all factually correct. Learned Counsel further submit that the entrustment of charge of In-charge Civil Surgeon-cum-Main Hospital Superintendent is an administrative arrangement and does not confer any indefeasible right upon the petitioner merely on the basis of seniority. They submit that the impugned order has been passed by the competent authority in the interest of administration and does not suffer from any illegality or arbitrariness warranting interference by this Court. They, therefore, submit that the present writ 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 Civil Surgeon-cum-Main Hospital Superintendent, District Hospital, Dhamtari, merely on the basis of his seniority over respondent No.3. It is also borne out from the material placed on record that respondent No.3 has been posted at District Hospital, Dhamtari, since the year 2023 and has been assigned various duties, including those of Nodal Officer and Pathologist at the Pathology and Blood Centre. The entrustment of the said charge is an administrative arrangement, and seniority alone does not confer an indefeasible right to claim such charge. In these circumstances, the decision of the competent authority to entrust the aforesaid charge to respondent No.3 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 Civil Surgeon-cum-Main Hospital Superintendent, District Hospital, Dhamtari, to respondent No.3 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 also evident from the record that, pursuant to the interim order passed by this Court in WPS No.4406 of 2022, the petitioner submitted his joining at District Hospital, Dhamtari, on 29.06.2022, stating that he had forgo the promotion on the post of Eye Specialist and requesting permission to continue discharging his duties at the said hospital. It is further pertinent to note that, as per condition No.3 of the appointment order dated 03.08.2016, the candidates were required to join their post on or before 24.08.2016, failing which the appointment order would stand automatically cancelled. However, the petitioner could not join the post within time whereas he joined the said post on 25.10.2016 on the basis of a separate order passed by the Department on 11.10.2016. In these circumstances, the petitioner cannot claim any advantage on the basis of the said appointment order without establishing the legal effect of his delayed joining.
10. From perusal of the order dated 23.02.2023 passed by the Commissioner, Health Services, C.G. it appears that the petitioner appointed in the cadre in the month of October, 2016 in the grade pay of Rs.5400/- and entitled for the Senior Grade Pay of Rs.6600/- w.e.f. 18.10.2022 whereas the respondent No.3 appointed in the cadre in the month of August, 2016 in the grade pay of Rs.5400/- and entitled for the Senior Grade Pay of Rs.6600/- w.e.f.

17.08.2022. In the said order, the names of the petitioner and respondent No.3 are at serial No.82 and 91 respectively. Thus from the said fact also it is evident that the respondent No.3 entered in the higher pay scale prior to the petitioner.

11. 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.
12. 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 17.09.2026 (Annexure P/1), passed in respect of respondent No.3, warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India.
13. *Ex consequenti*, the writ petition, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-

(Bibhu Datta Guru)
JUDGE