



CGHC010404452026



2026:CGHC:44612

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7575 of 2026

1 - Dr. Anuradha Diwan W/o Shri Madan Gopal Aged About 43 Years Presently Working As Assistant Professor (Commerce), Navin Government College, Pachpedi, Distt. Bilaspur, Chhattisgarh.

... **Petitioner**

versus

- 1** - State Of Chhattisgarh Through Secretary, Higher Education Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Distt. Raipur, Chhattisgarh.
- 2** - Commissioner Higher Education Department Indrawati Bhawan, Atal Nagar, Nava Raipur, Distt. Raipur, Chhattisgarh.
- 3** - Dr. Mangal Nirala Assistant Professor, Government Pataleshwar College, Masturi, Distt. Bilaspur, Chhattisgarh.

... **Respondents**

(Cause title taken from CIS)

For Petitioner : Mr. C. Jayant K. Rao, Advocate

For Respondents/State : Mr. Vivek Verma, G.A.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

15.10.2026

1. By the present writ petition, the petitioner has prayed for following reliefs:-

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“10.1 That this Hon'ble Court may kindly be pleased to set-aside the order dated 22.09.2026 (Annexure P/1) whereby the respondent no.3 has been entrusted with the charge of Principal and Drawing, Disbursing and Financial powers of Navin Government College, Pachpedi, District Bilaspur.

10.2 That this Hon'ble Court may kindly be issue an appropriate writ, order or direction commanding the respondents to allow the petitioner as In Charge Principal and Drawing, Disbursing and Financial powers of Navin Government College, Pachpedi, District Bilaspur.

10.3 To award the cost and expenses of this petition.

10.4 To issue any other writ or directions or orders in favor of the Petitioner and against the respondents upon these facts and in the circumstances of the case in the interest of justice.”

2. Learned counsel appearing for the petitioner submits that the petitioner is presently working as an Assistant Professor (Commerce) at Navin Government College, Pachpedi, Bilaspur. He further submits that, by the impugned order, respondent No. 3, who is junior to the petitioner and was appointed to the post of Assistant Professor vide order dated 22/02/2022, has been entrusted with the current charge of the post of Principal, Navin Government College. Learned counsel contends that the impugned order has been passed without assigning any reasons for superseding the senior-most officer, i.e., the petitioner, and preferring a junior officer for entrustment of the current charge of the said post. Learned counsel further submits that the impugned

action is contrary to the Government instructions issued from time to time governing entrustment of current charge of higher posts and has been passed without any justification for overlooking the petitioner's seniority and eligibility. The petitioner has already submitted a representation vide annexure P-6, but no appropriate decision has been taken. It is, therefore, prayed that the impugned order may be quashed and appropriate relief be granted to the petitioner.

3. Learned State counsel opposes the submissions advanced by learned counsel for the petitioner and submits that certain complaints have been made against the petitioner, which are being examined by a Committee constituted by the department. Learned State counsel further submits that seniority is not the sole criterion for entrusting the current charge of the post of Principal. It is, therefore, contended that the impugned order does not suffer from any illegality or arbitrariness warranting interference by this Court.
4. I have heard learned counsel for the parties and perused the documents available on record.
5. 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.

6. It is equally 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.
7. In the present case, the State has submitted that certain complaints have been made against the petitioner and that a Committee has been constituted by the department to examine the same. In such circumstances, the decision of the competent authority to entrust the current charge of the post of Principal to respondent No. 3 cannot be said to be arbitrary or illegal merely because the petitioner is senior to the said respondent.
8. Having considered the submissions advanced by 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 current charge of the post of Principal merely on the basis of her seniority in the cadre. Further, in view of the complaints made against the petitioner and the inquiry initiated by the department to examine the same, the decision to withdraw the current charge of the post of Principal from the petitioner and assign the same to the private respondent cannot be faulted.

9. In view of the aforesaid discussion, this Court finds no illegality, arbitrariness or perversity in the order dated 22.09.2026 (Annexure P/1), passed in respect of respondent No.3, warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India.
10. Resultantly, the writ petition, being devoid of merit, is liable to be and is hereby **dismissed**. However, if any complaint has been made against the petitioner or any Committee has been constituted to inquire into such complaints, a copy of the complaint(s) and the order constituting the Committee shall be furnished to the petitioner within a period of five days from the date of receipt of a copy of this order.

SD/-
(Bibhu Datta Guru)
JUDGE

Amardeep