CGHC010279812026 2026:CGHC:46530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3911 of 2026

1. Naman Mandavi S/o Vijay Kumar, Aged About 20 Years R/o Village Lohattar, Tehsil Durgukondal, District Kanker, Chhattisgarh.

CHANDRAKANT DEWANGAN

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2. Harish Nag, S/o Heeralal Nag, Aged About 14 Years R/o Village Sulenga, Post Binjali, Narayanpur, District Narayanpur, Chhattisgarh. Since Minor Represented Through Mother Smt. Pushpa Nag, W/o Heeralal Nag, Aged About 41 Years, R/o Village Sulenga, Post Binjali, Narayanpur, District - Narayanpur, Chhattisgarh.

3. Likeshwar Nag, S/o Late Santuram Nag, Aged About 21 Years R/o Village Partappur, Tehsil Pakhanjur, Tehsil And District Kanker, Chhattisgarh.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through Principal Secretary Social Welfare Department, Government Of Chhattisgarh, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.

2. Principal Secretary, Tribal Welfare Department, Government Of Chhattisgarh, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.

3. Director, Social Welfare Directorate, Mana Camp, Raipur, District Raipur, Chhattisgarh.

4. Collector Jagdalpur, District Bastar, Chhattisgarh.

5. Superintendent (D.D.O.), Government School For Visually And Hearing Impaired, Jagdalpur, District Bastar, Chhattisgarh.

6. Superintendent, Government School For Visually And Hearing Impaired, Jagdalpur, District Bastar, Chhattisgarh.

7. Principal, Government School For Visually And Hearing Impaired, Jagdalpur, District Bastar, Chhattisgarh.

8. Tomeshar Sinha, In-Charge Superintendent, Office Of Government School For Visually Impaired, Jashpur, District Jashpur, Chhattisgarh.

... Respondent(s)

For Petitioners	:	Mr. Ranbir Singh Marhas, learned Senior Counsel appears alongwith Ms. Shriya Jaiswal, Advocate.
For Respondent/State	:	Mr. Akhilesh Kumar, Govt. Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

03/11/2026

1. By way of the present petition, the petitioners challenge the legality and validity of the impugned order dated 05.06.2026, whereby they were expelled from the Government School for Visually and Hearing Impaired, Jagdalpur, and their Transfer Certificates were issued, allegedly without prior notice or an opportunity of hearing. The petitioners contend that the impugned order was passed in violation of the principles of natural justice and without following the prescribed procedure, on the basis of unsubstantiated allegations of property damage, misbehaviour, and violation of hostel rules. The petitioners further contend that the impugned action is arbitrary, disproportionate, and retaliatory in nature, having been taken in response to their complaints against the School Superintendent. They submit that their expulsion in the middle of the academic

session has seriously prejudiced their education and well-being, particularly in view of their visual impairment and marginalised social background. The petitioners have filed this petition seeking the following relief(s):-

> *"10.1. Issue a writ in the nature of Certiorari or any other appropriate writ, direction, or order quashing the impugned order dated 05.06.2026 (Annexure P/1) issued by Respondent No. 5 and direct the Respondent school authorities to let the Petitioners to continue their studies at School for Visually & Hearing Impaired, Jagdalpur, District Bastar, Chhattisgarh and boarding/ lodging at its hostel;*
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> *10.2.Pass any other order or orders, direction or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

2. Learned counsel appearing for the petitioners submits that the petitioners are visually and hearing impaired persons who are pursuing their studies while residing in the Government Boys' Hostel, Jagdalpur, District Bastar (C.G.), attached to the special category school. It is submitted that the petitioners were expelled from the said school on the allegation that they had ordered non-vegetarian food through online food delivery platforms such as Zomato, which was allegedly not permitted under the rules of the institution. On the basis of the said incident, a warning notice was issued to their respective parents, cautioning them that repetition of such conduct in future would invite appropriate action. Learned counsel further submits that, thereafter, the matter had apparently been closed and no further action was contemplated. However, all of a sudden, the impugned order dated 05.06.2026 came to be passed, whereby the petitioners have been removed from the

institution. It is contended that the impugned action has been taken without affording any opportunity of hearing to the petitioners or their respective parents to explain their position or place their defence. It is further submitted that, even otherwise, considering the physical condition of the petitioners and the nature of the alleged misconduct, the extreme measure of removing them from the institution is wholly disproportionate and unjustified. Accordingly, the petitioners have approached this Court seeking appropriate relief.

3. Per contra, learned counsel appearing for the State opposes the submissions made on behalf of the petitioners and submits that the petitioners have not merely committed the misconduct alleged against them but have also been interfering with and attempting to influence the day-to-day administration of the school.

4. It is further submitted that the petitioners had also addressed a letter to the Collector, Jagdalpur, seeking the transfer of the Hostel Superintendent, which, according to the State, was beyond their authority and amounted to interference in the administrative affairs of the institution. It is, therefore, contended that the conduct of the petitioners cannot be viewed lightly and that they are not entitled to any indulgence or leniency from this Court. Accordingly, learned State counsel prays for dismissal of the petition.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Having heard learned counsel for the parties and considered the facts and circumstances of the case, this Court is of the view that the petitioners' educational future deserves protection, particularly as they are visually impaired students pursuing their education in a special institution. While discipline is essential in an educational institution, any action adversely affecting the students' educational future must be taken fairly and after affording them an adequate opportunity of hearing. In the present case, despite an earlier warning having been issued to the petitioners' parents, no opportunity of hearing appears to have been afforded before passing the impugned order dated 05.01.2026. Considering the nature of the allegations and the circumstances of the petitioners, their removal from the institution appears disproportionate.

7. The Hon'ble Supreme Court in the matter of ***Krishnadatt Awasthy vs State Of M.P. and Ors.***[1] held in paras 42 to 46 which reads as thus:-

> "**42**. Wade and Forsyth[2] discuss the essence of good and considerate administration as under:
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> > "Judges are naturally inclined to use their discretion when a plea of natural justice is used as the last refuge of a claimant with a bad case. But that should not be allowed to weaken the the basic principle that fair procedure comes first, and that it is only after hearing both sides that merits can be properly considered. In the case of a tribunal which must decide according to, it may be justifiable to

1 (2025) 7 SCC 545

2 H.W.R. Wadc and C.F. Forsyth, Administrative Law (Oxford University Press, 11th Edn, 2014).

> disregard a breach of natural justice where the demerits of the claim are such that it would in any case be hopeless. But in the case of a discretionary administrative decision, such as dismissal of a teacher or expulsion of a student, hearing their case will often soften the heart of the authority and alter their decision, even though it is clear from the outset that punitive action would be justified. This is the essence of a good and considerate administration, and the law should take care to preserve it.

43. The opportunity of hearing is considered so fundamental to any civilised legal system that the courts have read the principles of natural justice into an enactment to save it from being declared unconstitutional on procedural grounds[3].

44. It has been argued before us that if the failure to provide hearing does not cause prejudice, observing the principle of natural justice may not be necessary. In this context, a three judge bench of this Court in SL Kapoor v Jagmohan[4] speaking through Justice Chinappa Reddy considered such arguments to be 'pernicious' and held that 'the non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary" . The Supreme Court, however, has drawn out an exception where 'on admitted or indisputable facts

3 Olga Tellis v. Bombay Municipal Corpn., (1985) 3 SCC 545

4 (1980) 4 SCC 379

only one conclusion is possible, and under the law, only one penalty is permissible, then the Court may not compel the observance of natural justice[5]

45. Professor IP Massey[6] has commented on this shift as under:

> "Before the decision of the Highest Court in SL Kapoor v Jagmohan[7], the rule was that the principles of natural justice shall apply only when the an administrative action has caused some prejudice to the person, meaning thereby that he must have suffered some 'civil consequences'. Therefore, the person had to show something extra in order to prove 'prejudice' or civil consequences. This approach had stultified the growth of administrative law within an area of highly practical significance. It is gratifying that in Jagmohan, the Court took a bold step in holding that a separate showing of prejudice is not necessary. The non-observance of natural justice is in itself prejudice caused. However, merely because facts are admitted or are undisputable it does not follow that the principles of natural justice need not be observed."

46. In State Bank of Patiala v SK Sharma[8], the Supreme Court observed that where an enquiry is not convened

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5 Swadeshi Cotton Mills v. Union of India, (1981) 1 SCC 664

6 I.P. Massey, Administrative Law (8th Edn., 2012).

7 (1980) 4 SCC 379

8 (1996) 3 SCC 364

> by any statutory provision and the only obligation of the administrative authority is to observe the principles of natural justice, the Court/tribunal should make a distinction between a total violation of the rule of fair hearing and violation of the facet of that rule. In other words, a distinction must be made between 'no opportunity' or 'no adequate opportunity'. In the case of the former, the order passed would undoubtedly be invalid and the authority may be asked to conduct proceedings afresh according to the rule of fair hearing. But in the latter case, the effect of violation of a facet of the rule of fair hearing has to be examined from the standpoint of prejudice.

8. In view of the aforesaid, the writ petition is allowed. The impugned order dated 05.06.2026 is hereby quashed. The respondents are directed to readmit the petitioners and permit them to continue their studies and reside in the hostel, subject to compliance with the rules and discipline of the institution. The petitioners' parents shall also ensure proper supervision of their wards to prevent recurrence of any such incident.

9. With the aforesaid observations, the instant writ petition is disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge

Chandrakant