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SOURABH BHILWAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

(Order Reserved on 27-10-2026)

(Final Order Delivered on 29-10-2026)

(Final Order Uploaded on 29-10-2026)

WPS No. 7038 of 2026

Smt. Arti Gupta W/o Heera Lal Gupta Aged About 37 Years Presently Working As Assistant Teacher (L.B.) At Govt. Primary School, Station Para Ghutku, Block Takhatpur, District Bilaspur Chhattisgarh

... Petitioner

versus

1 - State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh Distt. Baloda Bazar Bhatapara Chhattisgarh

2 - Director Directorate of Public Instruction, Indrawati Bhawan, Atal Nagar Naya Raipur, District Raipur Chhattisgarh

3 - Joint Director Education Division Bilaspur District Bilaspur Chhattisgarh

4 - District Education Officer Bilaspur, District Bilaspur Chhattisgarh

5 - Block Education Officer Takhatpur, District Bilaspur Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Govind Prasad Dewangan, Advocate
For State	:	Mr. Shreyansh Mehta, Panel Lawyer

(Hon'ble Shri Justice Bibhu Datta Guru)

CAV Order

1. The petitioner has filed the present writ petition questioning the action of the respondents in not including her name in the final gradation list as on 01.04.2026 prepared for the post of Assistant Teacher/Assistant Teacher (L.B.). The petitioner has also sought a direction to the respondents to place her name at the appropriate place in the said gradation list and thereafter consider her candidature for promotion, if she falls within the zone of consideration.

2. The case of the petitioner, as projected in the writ petition, is that she was initially appointed on the post of Shiksha Karmi Varg-III on 30.09.2008 and her services were subsequently absorbed in the School Education Department on 01.07.2018. It is contended that, despite her continuous service, her name has not been included in the final gradation list prepared as on 01.04.2026. According to the petitioner, respondent No. 5, namely, the Block Education Officer, Takhatpur, District Bilaspur, had recommended inclusion of her name in the provisional gradation list, yet the competent authority failed to incorporate her name in the final list. The petitioner alleges that such omission is arbitrary, discriminatory and violative of her rights under Articles 14 and 16 of the Constitution of India.

3. Learned counsel appearing for the petitioner submits that the petitioner has rendered continuous service since her initial appointment and that

the omission of her name from the gradation list would adversely affect her seniority and future promotional prospects. It is contended that once the concerned Block Education Officer had recommended inclusion of her name, the respondents were required to consider the said recommendation while finalising the gradation list. It is further submitted that the petitioner cannot be deprived of her legitimate claim merely on account of her subsequent transfer from District Surguja to District Bilaspur, particularly when, according to her, the transfer was on administrative grounds. Learned counsel, therefore, prays that the respondents be directed to include the petitioner's name at the appropriate place in the gradation list and consider her case for promotion in accordance with the applicable service rules.

4. When the matter was taken up for consideration on 25.09.2026, this Court directed respondent No. 4, the District Education Officer, Bilaspur, to file an affidavit explaining why the name of the petitioner had not been included in the gradation list despite the recommendation made by the concerned Block Education Officer.

5. In compliance with the said direction, an affidavit has been filed by the District Education Officer, Bilaspur.. In the said affidavit it is pleaded that the petitioner was not borne on the establishment of District Bilaspur on the said date and, therefore, her name was not included in the gradation list pertaining to that establishment. The subsequent recommendation made by the Block Education Officer in respect of

inclusion of the name of the petitioner was forwarded to the Directorate of Public Instructions, Chhattisgarh, for appropriate guidance and after receipt of such guidance appropriate decision will be taken.

6. I have heard learned counsel for the parties and perused the material available on record, including the affidavit filed in compliance with the order dated 25.09.2026.

7. From the affidavit filed by the District Education Officer, Bilaspur, it appears that the petitioner was transferred from District Surguja to District Bilaspur by order dated 06.08.2026 and tendered her joining on 11.08.2026. Thereafter, she was posted at Government Primary School, Station Para Chutku, Block Takhatpur, District Bilaspur, by order dated 21.08.2026, and joined at the said place on 24.08.2026. Thus, the petitioner's transfer and joining in District Bilaspur took place after the date with reference to which the gradation list in question was prepared.

8. The aforesaid chronology is material for deciding the controversy. The gradation list under challenge pertains to the position as on 01.04.2026, whereas the petitioner's transfer to and joining in District Bilaspur took place in August 2026. In the absence of any material establishing that the applicable service rules required the petitioner's name to be included in the gradation list of District Bilaspur notwithstanding the aforesaid position, the mere fact of her subsequent transfer would not, by itself, establish that the respondents were under a legal obligation to

include her name in the list with effect from the earlier date.

9. The recommendation made by respondent No. 5 is required to be considered by the competent authority in accordance with the applicable service rules and the relevant facts and according to the DEO, Bilaspur, the matter has already been referred to the DPI for necessary action. In the affidavit the DEO categorically stated that upon receipt of guidance from the DPI appropriate steps will be taken in respect of the grievance of the petitioner.

10. In view of the above, without expressing any opinion on the merits of the case, the writ petition is **disposed of** with a direction to the respondent authorities to take appropriate steps and pass a reasoned decision on the claim of the petitioner, in accordance with law. The entire exercise shall be completed within an outer limit of 45 days from today. Thereafter, the petitioner shall be at liberty to raise her grievance before the appropriate forum as may be available to her under the law, if the cause of action still survives.

Sd/-
(**Bibhu Datta Guru**)
JUDGE

Ashu/
$. Bhilwar