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SOURABH BHILWAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7253 of 2026

Amit Kumar Padwar S/o. Shri Mahesh Kumar Padwar, Aged About 41 Years R/o Shivdhari Colony, Pratappur Naka, Ambikapur, District - Surguja, C.G.

... Petitioner

versus

1 - State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District - Raipur C.G.

2 - The Commissioner, State Project Office, Samagra Shiksha, Chhattisgarh, Second Floor, Chhattisgarh Madhyamik Shiksha Mandal, Pension Bada, Raipur, C.G.

3 - The Deputy Director, State Project Office, Samagra Shiksha, Chhattisgarh, Second Floor, Chhattisgarh Madhyamik Shiksha Mandal, Pension Bada, Raipur, C.G.

4 - The Collector -Cum District Mission Director, Samagra Shiksha, District Surajpur, C.G.

5 - The District Education Officer - Cum-District Mission Coordinator, Samagra Shiksha, District Surajpur, C.G.

6 - National Informatics Centre Services Incorporated (NICSI), Through Its Managing Director, Hall No. 2 & 3, 6th Floor, NBCC Tower, 15 Bhikaji Cama Place, New Delhi – 110066

7 - M/s. SISL Infotech Private Limited, Through Its Managing Director, R. K. Puram, Sector - 4 Market, Near Post Office, New Delhi - 110022

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	:	Ms. Apoorva Ghore, Advocate
For Respondents/ State	:	Mr. Vinay Pandey, Dy. Advocate General
For Respondents No.2 & 3	:	Mr. Animesh Tiwari, Advocate

Hon’ble Shri Bibhu Datta Guru, Judge

Order on Board

05/10/2026

1. By the present writ petition, the petitioner is seeking for the following reliefs :-

> “1] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders and call for entire records pertaining to the case of the petitioner from the respondent authorities for kind perusal and adjudication of the instant petition.
>
> 2] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders and set aside/quash the impugned order dated 08.09.2026 bearing No. 2981/Samagra Shiksha/Estt./2026-27 (ANNEXURE P/1) passed by

the Respondent No.3, together with all consequential actions taken thereupon.

3] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders and direct the Respondent Nos. 2 to 5 to permit the Petitioner to continue to discharge his duties at the District Project Office, Samagra Shiksha, District-Surajpur, and to grant him all consequential benefits, including the remuneration for the intervening period.

4] That, Any other and further relief(s) that this Hon'ble Court deems fit in the interest of justice."

2. Learned counsel for the petitioner submits that the petitioner was initially deployed by National Informatics Centre Services Incorporated (NICSI) vide Work Order dated 06.06.2012 and has since been working as Assistant Programmer in the office of Rashtriya Madhyamik Shiksha Abhiyan, which was subsequently subsumed under Samagra Shiksha, and has rendered nearly 14 years of continuous service without any break. She submits that, by the impugned order dated 08.09.2026, the petitioner has been sent back to his parent/deploying agency, NICSI, on the basis of the stigmatic recommendation made by the Collector, District Surajpur, vide communication dated 29.07.2026 (Annexure P/17), without holding any regular enquiry or affording the petitioner an effective opportunity of hearing. She further submits that although the petitioner had submitted his detailed reply to the show-cause notice and thereafter representations along with relevant

documents, the same were not considered before passing the impugned order. According to the petitioner, the impugned order is stigmatic and non-speaking in nature and has been passed in violation of the principles of natural justice, causing serious prejudice to the petitioner's professional standing and future prospects. Hence, he submits that the impugned order deserves to be quashed.

3. *Per contra*, learned State counsel as well the counsel for respondents No.2 & 3 would submit the petitioner was neither appointed by the State nor by the Samgra Siksha Mission. They would submit that the services of the petitioner were deployed by NICSI with the State Project Office, Samagra Shiksha. It is further submitted that the impugned order cannot be termed as stigmatic merely because the services of the petitioner have been sent back to the deploying agency, i.e., NICSI, pursuant to the recommendation made by the Collector vide communication dated 29.07.2026. Learned counsel further submit that the said recommendation was made after issuance of show-cause notice dated 04.06.2026 (Annexure P/11) and consideration of the reply submitted by the petitioner, and therefore, there is no illegality in passing the impugned order. Learned counsel further submit that the petitioner is not a contractual appointee of the State or Samagra Shiksha, but is an outsourced employee deployed through NICSI, and his contractual tenure had, in any event, expired on 30.09.2026.

4. I have heard learned counsel for the parties and perused the documents appended with the writ petition.

5. From perusal of the record, it appears that the impugned order has been passed on the basis of the recommendation made by the Collector, District Surajpur, wherein certain findings have been recorded with regard to the alleged financial irregularities committed by the petitioner. However, from perusal of the said recommendation, it appears that the Collector has not recommended removal of the petitioner from the said assignment. Despite the same, the petitioner's services have been sent back to his deploying agency, i.e. NICSI, apparently on the basis of the said recommendation made by the Collector to the Director, Public Instructions.

6. The Supreme Court in the matter of ***Swati Priyadarshini vs. State of Madhya Pradesh and Others*** reported in ***2024 SCC OnLine SC 2139***, has reiterated that even in the case of contractual appointment, if a stigmatic order is to be passed, the same is required to be passed after following due process of law and affording due opportunity of hearing to the concerned employee. The Co-ordinate Bench of this Court in ***WPS No.4969/2015, Digambar Chandrakar vs. State of Chhattisgarh and others***, decided on 22.08.2024, has also taken the view that where an order carries stigma against the concerned employee, the authorities are required to follow the principles of natural justice and the prescribed procedure.

7. It is settled law that even in the case of a contractual employee or an outsourced employee, a stigmatic order cannot be passed without following the principles of natural justice and affording due opportunity of hearing to the concerned employee. The mere fact that the petitioner was deployed through NICSI would not, by itself, permit the respondents to pass an order carrying stigma against the petitioner without following due process of law.

8. The Apex Court in ***Swati Priyadarshini (supra)*** has also reiterated that where termination or discontinuance is founded upon allegations carrying stigma, the same must be preceded by a fair procedure in accordance with law.

9. In the present case, from perusal of the Collector's recommendation, it appears that though certain findings regarding the alleged financial irregularities have been recorded against the petitioner, the Collector has not recommended removal of the petitioner from the said assignment. However, the impugned order dated 08.09.2026, whereby the petitioner's services have been sent back to his deploying agency, i.e. NICSI, makes reference to the aforesaid recommendation/findings. Thus, the allegations and findings recorded against the petitioner form the basis of the impugned action and cast stigma upon him. The impugned order, therefore, cannot be treated as a mere simpliciter order of sending back the petitioner to his deploying agency.

10. Further, though the petitioner had submitted his reply to the show-cause notice issued to him, the impugned order does not disclose any consideration of the explanation/reply submitted by the petitioner. There is also no finding recorded by the authority passing the impugned order as to the alleged irregularities attributed to the petitioner or as to why the explanation furnished by him was not acceptable. The impugned order is, therefore, non-speaking in nature and does not reflect due application of mind to the defence raised by the petitioner.

11. In the case of ***East Coast Railway and Another v Mahadev Appa Rao and Others reported in (2010) 7 SCC 678***, the Supreme Court in a very categorical terms has held that arbitrariness in the making of an order by an authority can manifest itself in different forms. Every order passed by a public authority must disclose due and proper application of mind by the persons making the order. Application of mind is best demonstrated by disclosure of mind by the authority making the order and disclosure is best done by recording the reasons that led the authority to pass the order in question. Absence of reasons either in the order passed by the authority or in the record contemporaneously maintained is clearly suggestive of the order being arbitrary hence legally unsustainable. In the absence of reasons in support of the order it is difficult to assume that the authority had properly applied its mind before passing of the order.

12. Likewise, in the case of ***Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota v Shukla and Brothers reported in (2010) 4 SCC 785***, the Supreme Court has held that recording of reasons is an essential feature of dispensation of justice.

13. Considering the overall facts and circumstances of the case as well as the submissions made by learned counsel for the parties and the law laid down by the Supreme Court as well as this Court in the aforesaid judgments, this Court is of the view that the impugned order dated 08.09.2026 has been passed in a manner which has the effect of casting stigma upon the petitioner, without recording any independent finding after due consideration of his defence. Merely because the petitioner was deployed by NICSI, the respondents could not have passed an order founded upon allegations of irregularities, having stigmatic consequences, without following the principles of natural justice and without giving due consideration to the explanation submitted by the petitioner.

14. In view of the forgoing and applying the well settled principles of law, the impugned order dated 08.09.2026 (Annexure P/1) is hereby quashed. The petitioner shall be entitled to all the consequential benefits flowing from quashment of the impugned order.

15. In the result, the Writ Petition is **allowed** to the extent indicated above.

16. However, liberty is reserved to the respondent authorities to pass an appropriate order afresh, if so advised, in accordance with law and after affording due opportunity of hearing to the petitioner.

Sd/-

(Bibhu Datta Guru)
JUDGE

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