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SOURABH BHILWAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7319 of 2026

Amogh Tiwari S/o Late Shri Shirish Kumar Tiwari, Aged About 28 Years Working As Assistant Grade - 03, District Institute Of Education And Training (DIET), Durg (Achhoti), Kumhari, District Durg (C.G.)

... Petitioner

versus

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

2 - The Director, Directorate Of Public Instruction, Indravati Bhawan, Nava Raipur, Atal Nagar, District Raipur (C.G.)

3 - The Director, State Council Of Educational Research And Training (SCERT), Shankar Nagar, Raipur, District Raipur (C.G.)

4 - The Collector, District Durg (C.G.)

5 - The Joint Director, Education Division, Durg, District Durg (C.G.)

6 - The District Education Officer, Durg, District Durg (C.G.)

7 - The Principal, District Institute Of Education And Training (DIET), Durg (Achhoti), Kumhari, District Durg (C.G.)

8 - The Principal, Government Higher Secondary School, Deori, Block Dhamdha, District Durg(C.G.)

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Yogesh Yadav, Advocate
For Respondents/ State	: Mr. Y. S. Thakur, Addl. Advocate General alongwith Ms. Apurva Nigam, P.L.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

07/10/2026

1. By the present writ petition, the petitioner seeks for the following relief :-

> "(a) issue a writ in the nature of certiorari or any other appropriate writ, order or direction, quashing the Order No. ESTB-102/1087/2026/20-3 dated 03.09.2026 (Annexure P/1), insofar as it relates to the Petitioner;
>
> (b) quash the consequential 596/Estt./Karyamukt/DIET/ 2026 relieving Order No. dated 07.09.2026 (Annexure P/2);
>
> (c) issue a writ in the nature of mandamus or any other appropriate writ, order or direction, commanding the Respondents to permit the Petitioner to continue/resume working as Assistant Grade-03 at DIET Durg (Achhoti), Kumhari, District Durg, with all consequential benefits including salary;

(d) direct the Respondents to produce the entire record relating to the impugned order, including the record of any approval obtained under Clause 4.1 of the Transfer Policy, 2025;

(e) direct the Respondents not to take any coercive or disciplinary action against the Petitioner for not joining at Govt. HSS Deori, and to release his salary for the period from 08.09.2026 onwards;

(f) award costs of the petition to the Petitioner;

(g) grant any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in the interest of justice."

2. Learned counsel for the petitioner submits that the petitioner is working as Assistant Grade-03 at District Education and Training Institute (DIET), Durg, and has been sought to be repatriated to Government Higher Secondary School, Deori, Block Dhamdha, District Durg. He submits that the petitioner was appointed on compassionate ground by the District Education Officer, Durg, vide order dated 09.06.2021 (Annexure P/3), and was posted at DIET, Durg (Achhoti), pursuant to the said appointment order. He further submits that the petitioner was never posted at DIET on deputation. Therefore, the impugned order, whereby the petitioner has been repatriated from DIET and posted at Government Higher Secondary School, Deori, Block Dhamdha, District Durg, is illegal and unsustainable in law.

3. *Per contra*, learned State counsel submits that though the expression “repatriation” has been mentioned in the impugned order, in substance, the said order appears to be a transfer order and there is no illegality in the same. It is, therefore, submitted that the petition deserves to be dismissed.

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

5. From perusal of the order dated 09.06.2021 (Annexure P/3), it appears that the petitioner was appointed on compassionate grounds and, pursuant thereto, was posted at DIET, Durg (Achhoti). It is undisputed that there was no order whereby the petitioner was posted at DIET on deputation. In absence of any order of deputation, the question of repatriating the petitioner from DIET does not arise. Therefore, the impugned order (Annexure P/1), insofar as it describes the petitioner as being repatriated from DIET, cannot be sustained.

6. Even assuming the contention of learned State counsel that mentioning “repatriation” in the impugned order is a clerical error and the intention was to pass a transfer order, such error cannot be sustained in the present form and the competent authority is required to pass an appropriate order in accordance with law.

7. Accordingly, the impugned order dated 03.09.2026 (Annexure P/1), insofar as it relates to the petitioner, is hereby quashed. The

consequential relieving order dated 07.09.2026 (Annexure P/2) is also quashed.

8. In the result, the Writ Petition is **allowed** to the extent indicate above.

9. However, the State shall be at liberty to pass a fresh order in accordance with law, if so advised.

Sd/-

(Bibhu Datta Guru)
JUDGE

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