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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8019 of 2026

Mahesh Kumar Thakur S/o Shri Bodhiram Thakur Aged About 48 Years Teacher (L.B. - Science), Government Middle School, Kopra, Block - Baderajpur, District - Kondagaon, Chhattisgarh (Presently Under Suspension With Headquarters At The Office Of Block Education Officer, Farasgaon, District Kondagaon).

Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of School Education, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh – 492002

2 - Joint Director Education Division Bastar, Jagdalpur, District Bastar, Chhattisgarh

3 - District Education Officer District Kondagaon, Chhattisgarh

4 - Block Education Officer Block Baderajpur (Vishrampuri), District Kondagaon, Chhattisgarh

5 - Block Education Officer Block Farasgaon, District Kondagaon, Chhattisgarh

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s)	**:**	Mr. Yogesh Yadva, Advocate
For Respondent(s)	**:**	Mr. Aditya Tiwari, PL

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

05/11/2026

1. The present writ petition has been filed by the petitioner seeking the following reliefs:-

> *(i). Issue a Writ of Certiorari or any other appropriate writ, order or direction, quashing/setting aside the Suspension Order No. 4657/2025 dated 23.12.2025 (Annexure P-1) passed by Respondent No. 2, being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India;*
>
> *(ii). Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the Respondents to forthwith reinstate the Petitioner in service, with full salary and all consequential benefits, including continuity of service and seniority;*
>
> *(iii). In the alternative, direct Respondent No. 2 to consider and decide the Petitioner's representation received on 13.10.2026 (Annexure P-8) by a reasoned order within a time-bound period fixed by this Hon'ble Court;*
>
> *(iv). Pending final disposal of the writ petition, grant interim relief in terms of the accompanying Application for Interim Relief;*
>
> *(v). Award costs of the present writ petition in favour of the Petitioner; and*
>
> *(vi). Grant any other relief(s) as this Hon'ble Court may deem just, proper and equitable in the facts and circumstances of the case, in the interest of justice.*

2. Learned counsel for the petitioner submits that the petitioner, while working as Teacher (L.B.-Science) at Government Middle School, Kopra, Block Baderajpur, District Kondagaon, was declared surplus pursuant to the

teacher rationalization exercise and was posted at Government Middle School, Kokawada, Block Chhindgarh, District Sukma, vide order dated 18.06.2025. Learned counsel submits that the petitioner submitted a representation before the Divisional Level Rationalization Committee pointing out that vacancies in the subject of Science were available within the district and that his wife was also posted at the same school where he was previously working. However, the said representation was rejected by the Committee vide order dated 18.09.2025.

3. Learned counsel further submits that the petitioner continued to work at his parent school and was relieved only on 28.11.2025. Thereafter, on the very next day, a show-cause notice was issued to him, to which he submitted his explanation, pointing out that his aged mother, who is about 95 years old, is dependent upon him and requires frequent medical attention and that he had no intention to disobey any Government order. However, the petitioner was placed under suspension vide order dated 23.12.2025 on the allegation of non-joining at the transferred place.

4. Learned counsel also submits that a charge-sheet was issued to the petitioner on 03.02.2026, to which he submitted his reply on 13.02.2026. It is further submitted that the period of 90 days from the date of suspension expired on 23.03.2026, but no reasoned order extending the period of suspension was passed by the competent authority. The Inquiry Officer and Presenting Officer were appointed only on 17.04.2026, after expiry of the aforesaid period. Learned counsel further submits that vide letter dated 21.09.2026, the petitioner was informed that on the basis of the inquiry report, he had been found guilty and was called for final hearing on 29.09.2026. Despite the aforesaid development, the petitioner continues to remain under suspension. Learned

counsel lastly submits that the petitioner submitted a representation dated 13.10.2026 seeking revocation of his suspension, but the same has not been decided by the competent authority till date. The petitioner has remained under suspension for more than ten months, causing serious financial and family hardship. Learned counsel, therefore, prays that an appropriate direction be issued to the competent authority to consider and decide the petitioner's representation within a stipulated period.

5. Learned State counsel submits that if the representation submitted by the petitioner is pending consideration, the same shall be examined and decided by the competent authority in accordance with law, keeping in view the applicable rules, circulars/instructions of the State Government as well as the law laid down by the Hon'ble Supreme Court, within a reasonable period.

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

7. Considering the limited prayer made by learned counsel for the petitioner and without expressing any opinion on the merits of the case, this petition is disposed of with a direction to respondent No. 2 to consider and decide the petitioner's representation dated 13.10.2026 (Annexure P-8) in accordance with law, on its own merits, expeditiously, preferably within a period of 30 days from the date of receipt of a copy of this order.

8. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and the competent authority shall take an independent decision strictly in accordance with law.

9. With the aforesaid observation and direction, the writ petition stands disposed of.

Sd/-

(BIBHU DATTA GURU)

JUDGE

Rahul