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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7959 of 2026

Hemlata Sonant W/o Satya Narayan Sonant Aged About 42 Years Posted As Assistant Teacher At Govt. Primary School Bhojpur, Block-Champa, District-Janjgir-Champa C.G.

... Petitioner

versus

1 - Director, Directorate Of School Education Fourth Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, District - Raipur C.G.

2 - The Commissioner, Bilaspur Division, District - Bilaspur C.G.

3 - The Collector, District- Janjgir-Champa C.G.

4 - The Joint Director, Education Division Bilaspur, District - Bilaspur C.G.

5 - The District Education Officer, District-Janjgir-Champa C.G.

6 - The Block Education Officer, Block-Champa, District- Janjgir-Champa.

7 - The Block Education Officer, Block-Bamhnidih, District-Janjgir-Champa.

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. Aniruddha Shrivastava, Advocate
For Respondent/ State	:	Mr. Vivek Verma, Govt. Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

04.11.2026

1. The present writ petition has been filed by the petitioner seeking quashment of impugned order dated 17.04.2026 (Annexure P-1) and also seeking quashment of order dated 04.06.2025, 10.07.2025 & 15.09.2025.

2. Learned counsel appearing for the petitioner submits that the petitioner is challenging the orders dated 04.06.2025, 10.07.2025, 15.09.2025 and 17.06.2026, whereby her transfer pursuant to the rationalization process and the subsequent rejection of her representations have been upheld by the respondent authorities. It is contended that the authorities have failed to properly consider the petitioner's objections regarding the defective seniority list and denial of an opportunity to exercise choice during counselling. Learned counsel further submits that, out of 433 surplus primary teachers in the district, approximately 180 surplus male teachers have been allowed to continue at their existing places of posting without being called for counselling, whereas all the female surplus teachers, including the petitioner,

have been transferred. It is, therefore, contended that the action of the respondents is arbitrary and discriminatory, resulting in indirect discrimination against the petitioner on the ground of gender, in violation of Article 14 of the Constitution of India and the principles laid down by the Supreme Court in *Lt. Col. Nitisha v. Union of India*, (2021) 15 SCC 125.

3. On the other hand, learned counsel appearing for the State would submit that the issue involved in this writ petition has already been considered and decided by this Court vide judgment dated **18.09.2025** passed in **WA No.674 of 2025 (Shashi Shrivastava *vs.* *State of Chhattisgarh & Others*)**, wherein the Division Bench of this Court held as under:-

> "8. From perusal of the record, it transpires that the main grievance of the appellant is that she is the Lecturer (Chemistry), but she has been considered as Lecturer (Science) and has been declared surplus. It is grievance of the appellant that she was not provided any opportunity to participate in the counselling on the ground that she is the Lecturer (Chemistry) and there are no surplus Lecturers in the Chemistry subject, and the Respondent No. 5 has been allotted to Ambikapur School. From perusal of the order dated 11.05.2021 (Annexure P-7), it transpires that the appellant and one Snehlata Pathak, were the Lecturers (Chemistry) and they have been adjusted against the vacant post of Lecturer (Biology) and (Maths), for the purposes of their salary. The District Level list of Lecturers shows only two categories, i.e. (1) Biology and (2) Science. In

the District Level list of surplus Lecturers, the appellant is considered as the Lecturer (Science), which includes the Chemistry subject as subject of Science. There was no vacant post available for Lecturer (Chemistry/ Science) and therefore, the name of appellant is placed in the State Level counselling and she has been allotted the Bhopalpatnam school. Even otherwise. Teacher Rationalization Instructions are mere guidelines. It may not supplant the general powers of the employer, provided under the statutory service rules, i.e. to post a person at a place in the public interest and in administrative exigency. It is a trite law that transfer/posting is an incidence of service, the Court should not interfere with the transfer/posting order, unless there is malice. infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in the public interest and administrative exigency. It is not a case of proved mala fide, lack of competence of the officer passing the transfer order or infraction of any statutory Rules and Regulations.

9. Considering the submissions advanced by the learned counsel for the parties and the finding recorded by the learned Single Judge while dismissing the writ petition filed by the writ petitioner, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.

10. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed. No cost(s).”

4. Learned State counsel further submits that since the facts and issue involved in the present case is identical to that of WA No. 674 of 2025, this petition may also be dismissed in the same terms.

5. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials available on record, it is evident that the facts and issue involved in this petition is identical to **WA No. 674 of 2025,** this Court deems it appropriate not to take a view other than what has been taken in the aforesaid writ appeal.

6. Accordingly, the present petition is **dismissed** in terms of the order dated **18.09.2025** passed in **WA No. 674 of 2025**.

Sd/-

(Bibhu Datta Guru)
JUDGE

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