



2026:CGHC:25743

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4582 of 2026**

Ravi Kumar Gautam Son Of Late Shri Deena Nath Gautam Aged About 51 Years Presently Posted As In-Charge Block Education Officer Baloda, Block Baloda, District Janjgir Champa, Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, Raipur, Chhattisgarh

2 - Director Directorate Of Public Instructions, Indrawati Bhawan Mantralaya Atal Nagar Naya Raipur Raipur , Chhattisgarh

3 - District Education Officer Janjgir Champa, Janjgir, District Janjgir Champa, Chhattisgarh

4 - Shri Anil Kumar Sharma, Presently Posted As Lecturer, P.M. Shri Swami Atmanand English Utkrishta Vidyalaya, Baloda, District Janjgir Champa, Chhattisgarh

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) :Shri Amrito Das, Senior Advocate with Ms.
Shruti Yadav, Advocate

For Respondent/State :Shri Gary Mukhopadhyay, Addl. Advocate
General

For Respondent No. 4 :Shri Anurag Dayal Shrivastava, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

23.06.2026

1. By the present petition under Article 226 of the Constitution of the India, the petitioner is seeking quashment of the order dated 10.06.2026 passed by the Department of School Education whereby the respondent No. 4, who is a Lecturer and presently working as Incharge Principal of P.M. Shri Swami Atmanand English Medium School, Baloda, District Janjgir-Champa (C.G.) has been given the charge of Block Education Officer Balod District Janjgir-Champa (C.G.).
2. (a) Learned counsel appearing for the petitioner would submit that initially the petitioner was appointed on the post of Assistant Block Education Officer by order dated 26.09.2015. The said post is an administrative post as per the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2026

(for short 'the Rules, 2026'). Learned counsel for the petitioner would submit that even the petitioner is eligible to hold the post of Block Education Officer, however since the regular DPC was not convened, the petitioner continued to discharge his duties as Assistant Block Education Officer.

(b) According to the petitioner, vide order dated 16.07.2025 (Annexure-P/5), the petitioner was made Incharge Block Education Officer Balod District Janjgir-Champa and since then he is discharging his duties with honesty and sincerity, however all of a sudden by the order impugned, the respondent no. 4 who is a Lecturer in the teaching cadre and presently working as Incharge Principal of P.M. Shri Swami Atmanand English Medium School, Baloda, District Janjgir-Champa has been given the charge of Block Education Officer Balod District Janjgir-Champa.

(c) Learned counsel would submit that the order impugned is in violation of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (for short 'the Act, 2009') as also the Rules 2026. He would submit that respondent No. 4 is admittedly appointed as a Lecturer and, as such, his posting as an Incharge Block Education Officer is illegal and

arbitrary and the same is not sustainable. He would submit that Section 27 of the Act 2009 categorically provides that the teachers comprising of the teaching cadre cannot be engaged in the administrative cadre posts.

3. (i) On the other hand learned counsel appearing for the State as also the learned counsel appearing for the respondent no. 4 would oppose the submissions made by the learned counsel for the petitioner.

(ii) Learned counsel for the respondent no. 4 would submit that the present petition is not maintainable because neither any injury nor any personal right has been established and claimed by the petitioner in the present petition, therefore, without establishing infringement of his legal right and without claiming the same neither the writ of certiorari nor mandamus can be issued.

(iii) Learned State counsel would submit that since the work of the petitioner is not satisfactory and as such the respondent no. 4 who is presently working as In-charge Principal of P.M. Shri Swami Atmanand English Medium School, Baloda, District Janjgir-Champa (C.G.) has been posted as Incharge Block Education Officer.

4. I have heard learned counsel for the parties and perused the documents.
5. It is an admitted fact that the petitioner appointed as Assistant Block Education Officer in the year 2015, which is an administrative cadre post, whereas the original post of the respondent No.4 is Lecturer and is given the charge of Principal of P.M. Shri Swami Atmanand English Medium School, Baloda, District Janjgir-Champa (C.G.). Thus it is evident that the respondent no. 4 is from the teaching cadre.
6. As far as the non-satisfactory performance of the petitioner is concerned, albeit the said submission made by the learned State counsel, to buttress the said contention he has not submitted any document or he has failed to state that whether any notice etc. has been issued to the petitioner with regard to his performance.
7. So far as the objection raised by the learned counsel for the respondent no. 4 with regard to maintainability of the petition is concerned, since by the order impugned dated 10.06.2026, the respondent no. 4 has been given the charge of Block Education Officer Balod obviously the posting of the petitioner has been disturbed and as such sufficient cause arose in

respect of the petitioner, therefore the present writ petition is maintainable.

8. According to the Rules, 2026, the post of Assistant Block Education Officer is of administrative cadre, whereas the post of Lecturer is of teaching cadre. Thus, the superior authorities should refrain themselves from posting Government servants of teaching cadre to the post of administrative cadre.
9. From bare perusal of the schedule appended to the rules, it is quite vivid that the post of Block Education Officer can be filled either by deputation or by promotion. 75% posts can be filled by promotion of Assistant Block Education Officer and 25% posts shall be filled by E and T cadre Principals according to their cadre posts. The respondent no. 4 is neither the Principal nor Assistant Block Education Officer, therefore he cannot be given the charge of the post of Block Education Officer.
10. Upon a cumulative consideration of the pleadings, documents placed on record and the statutory scheme governing the field, this Court is of the considered view that the impugned order cannot be sustained in law. It is not disputed that the petitioner is holding the post of Assistant Block Education

Officer, which forms part of the administrative cadre, whereas respondent No.4 belongs to the teaching cadre and is substantively holding the post of Lecturer. The material placed on record further reveals that respondent No.4 has merely been entrusted with the charge of Principal and does not substantively hold any post in the administrative hierarchy.

11. The statutory framework governing appointments and postings in the Education Department clearly maintains a distinction between the teaching cadre and the administrative cadre. Such distinction has been consciously recognized to ensure that administrative posts are to be filled by officers possessing the requisite experience and eligibility within the prescribed cadre. The action of the respondents in entrusting the charge of the post of Block Education Officer to respondent No.4, who admittedly belongs to the teaching cadre, is therefore contrary to the scheme of the Rules and amounts to permitting a person outside the feeder channel and prescribed cadre to occupy an administrative post.
12. This Court also finds substance in the contention of the petitioner that Section 27 of the Act, 2009 mandates that teachers shall not be deployed for non-educational purposes

except in the contingencies specifically enumerated therein. The assignment of duties attached to the post of Block Education Officer, which is essentially an administrative post, to a member of the teaching cadre runs contrary to the legislative intent underlying the said provision.

13. In view of the aforesaid, the impugned order dated 10.06.2026, insofar as it entrusts respondent No.4 with the charge of the post of Block Education Officer, is found to be unsustainable and contrary to the governing statutory provisions. Consequently, the impugned order is hereby quashed. Accordingly, the writ petition stands allowed.

Sd/-

(Bibhu Datta Guru)

JUDGE

Head note

Teachers shall not be deployed for non-educational purposes except in specific contingencies prescribed under the Scheme of Right of Children to Free and Compulsory Education Act, 2009.