



CGHC010289232026



2026:CGHC:35203

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5810 of 2026**

Kishun Lal Matawale S/o Lt. Khubiram Matawale Aged About 59 Years
Occupation Block Education Officer, Block Chhura, Distt. Gariyaband,
Chhattisgarh, R/o Village Tenduwahi, Post Khairjhiti, P.S. Tumgaon,
Distt. Mahasamund, Chhattisgarh.

... Petitioner**versus**

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

2 - The Director, Public Instruction Department, Directorate, Indrawati
Bhwan, Naya Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.

3 - The Joint Director, Education Division, Raipur, Distt. Raipur,
Chhattisgarh.

4 - District Education Officer, Gariyaband, Distt. Gariyaband,
Chhattisgarh.

5 - Rajesh Chandrakar, Occupation In Charge, District Education
Officer, Distt. Gariyaband, Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	: Ms. Hamida Siddiqui, Senior Advocate appears through video conferencing alongwith Ms. Mahima Chandra, Advocate
For Respondents/State	: Mr. Gary Mukhopadhyay, Additional Advocate General
For Respondent No. 5	: Mr. Mateen Siddiqui, Senior Advocate alongwith Ms. Zainab Mustafa Vanak, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

11.08.2026

1. By the present writ petition, the petitioner seeks quashment of the order dated 10.06.2026 (Annexure P/1) passed by respondent No.1, whereby respondent No.5, who is junior to the petitioner, has been given the charge of In-Charge District Education Officer, District Gariyaband (C.G.).
2. (a) Learned Senior Counsel appearing for the petitioner submits that the petitioner is presently working as Block Education Officer (BEO), Chhura, District Gariyaband and has been serving in the Education Department since 1995. She submits that the petitioner has substantial experience as Principal and BEO and is most senior to respondent No.5 in the cadre. She further submits that under the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2026 (for short, "the Rules of 2026"), the petitioner, having completed the prescribed qualifying service, is eligible to hold the

post of District Education Officer. Despite this, vide impugned order dated 10.06.2026, current charge of the post of District Education Officer, Gariyaband has been entrusted to respondent No.5, who is admittedly junior to the petitioner and had been promoted as Principal only on 30.04.2025.

(b) Learned Senior Counsel would further submit that the impugned action is contrary to the Government instructions issued from time to time governing entrustment of current charge of higher posts and has been passed without any justification for overlooking the petitioner's seniority and eligibility. The petitioner has already submitted a representation dated 20.07.2026 before the competent authorities, but no appropriate decision has been taken. It is, therefore, prayed that the impugned order dated 10.06.2026 be quashed and appropriate relief be granted to the petitioner.

3. (i) On the other hand, learned State counsel opposes the submissions made by the petitioner and submits that the petitioner is substantively holding the post of Principal and is merely discharging the duties of In-Charge Block Education Officer, Chhura, which by itself does not confer any right upon him to claim the post of In-Charge District Education Officer merely on the basis of seniority. It is further submitted that respondent No.5 is duly qualified and was promoted to the post of Principal vide order dated 27.11.2025 and has thereafter been entrusted with

the current charge of District Education Officer, Gariyaband, by the competent authority.

(ii) By referring to the communication dated 06.06.2025 of the Collector, Gariyaband, to the Secretary to the Government of Chhattisgarh, Department of School Education, learned State counsel submits that the Collector has recorded a finding that the petitioner has acted in complete disregard of the Government rules/instructions and has shown gross negligence towards discharge of his official duties, which is contrary to the provisions of the Chhattisgarh Civil Services (Conduct) Rules, 1965, relating to integrity, devotion to duty and acting in the interest of the Government. It is further submitted that the Collector has forwarded a proposal for initiation of strict disciplinary action, including suspension and departmental enquiry, against him. It is, therefore, submitted that the impugned order does not suffer from any illegality or arbitrariness warranting interference by this Court.

4. Learned Senior Counsel appearing for respondent No.5, while opposing the submissions made by the petitioner, supports the contentions advanced by learned State counsel and submits that there is no illegality or infirmity in the impugned order warranting interference by this Court. He, therefore, submits that the present petition deserves to be dismissed.
5. I have heard learned counsel for the parties and perused the documents available on record.

6. Having considered the submissions of learned counsel for the parties and upon perusal of the material available on record, this Court is of the view that the petitioner has failed to demonstrate any legal or enforceable right to claim the current charge of the post of District Education Officer merely on the basis of her seniority in the cadre.
7. It is noteworthy to mention here that there is no rule or provision brought to the notice of this Court which mandates that a senior employee would, as a matter of right, be entrusted with the current charge of a higher post. Seniority by itself does not confer an indefeasible right upon an employee to hold the charge of a higher post. Mere seniority, in absence of any statutory provision creating such a right, cannot be the sole determining factor for entrustment of current charge.
8. In the present case, the competent authority has entrusted the current charge of District Education Officer, Gariyaband, which is a stopgap arrangement, to respondent No.5, who is stated to be duly qualified and has been promoted to the post of Principal. The petitioner has not been able to demonstrate that the said entrustment has been made in violation of any statutory rule or binding instruction.
9. It is also significant that the communication dated 06.06.2025 of the Collector, Gariyaband records serious observations regarding the petitioner's conduct in discharge of official duties, including

gross negligence and disregard of Government rules and instructions, which have been observed to be contrary to the requirements of integrity, devotion to duty and acting in the interest of the Government. The Collector has, accordingly, forwarded a proposal for initiation of strict disciplinary action, including suspension and departmental enquiry, against the petitioner. Though the said order by itself may not amount to a final finding of misconduct, the same constitutes a relevant circumstance which the competent authority cannot be said to have been precluded from taking into consideration while assessing the suitability of an officer for entrustment of the current charge of a higher post.

10. It is equally well settled that seniority alone is not sufficient to claim the charge of a higher post. Entrustment of current charge involves consideration of the overall suitability, experience, administrative requirements and other relevant circumstances by the competent authority. Seniority cannot be treated as an automatic substitute for suitability, nor can it be said that a senior employee has an absolute right to supersede every other eligible employee for being entrusted with the current charge of a higher post. In absence of any statutory violation, arbitrariness or mala fide being established, this Court, in exercise of its writ jurisdiction, would not substitute its own assessment for that of the competent authority.

11. In view of the aforesaid discussion, this Court finds no illegality, arbitrariness or perversity in the order dated 10.06.2026 (Annexure P/1), passed in respect of respondent No.5, warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India.

12. Resultantly, the writ petition, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-

(Bibhu Datta Guru)
JUDGE

\$. Bhilwar

Head Note

Seniority by itself does not confer an indefeasible right upon an employee to hold the charge of a higher post. Entrustment of charge of higher post involves consideration of overall suitability, experience, administrative requirements and other relevant circumstances.