



2026:CGHC:26761

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4493 of 2026**

- 1** - Sangeeta Tirkey Daughter Of G.R. Tirkey, Aged About 50 Years Resident Of Shivanand Nagar Sector-4, Khamtarari, District- Raipur (C.G.)

- 2** - Sonia Thakur W/o- Santosh Thakur Aged About 48 Years L D T Teacher, Salem English School Raipur, Resident Of Near Bhansali Patra Bhandar, Katora Talab, Ward No. 42, Raipur, District- Raipur (C.G.)

- 3** - Mrs. Anjula Martin W/o- Ajay Martin, Aged About 57 Years L D T Teacher, Salem English School, Raipur, Resident Of E- 15, Rajeev Nagar, Raipur, District- Raipur (C.G.)

- 4** - Mrs. Rupali Gwal Yadav W/o- Daniel Gwal Yadav, Aged About 51 Years L D T Teacher, Salem English School, Raipur, Resident Of Flat No. 30, R D A Complex Group No. 04, New Rajendra Nagar, Raipur, District- Raipur (C.G.)

- 5** - Mrs. Rashmi Bala Jogi W/o- Sanjay Kumar Jogi Aged About 52 Years L D T Teacher, Salem English School, Raipur, Resident Of L D B A, Padum Nagar, Bhilai District- Durg (C.G.)

- 6** - Mrs. Sanna Aijaz, W/o- Mohamad Aijaz, Aged About 57 Years L D T

Teacher, Salem English School, Raipur, Resident Of Near Shiv Mandir, Raja Talab, Raipur, District- Raipur (C.G.)

7 - Mrs. Sangeeta Singh W/o- V. K. Singh Aged About 55 Years L D T Teacher, Salem English School, Raipur, Resident Of S T. Paul's Church Campus, Raipur District- Raipur (C.G.)

8 - Mrs. Shailja Vaibhav Ephraim W/o- Vaibhav Ephraim Aged About 46 Years L D T Teacher, Salem English School, Raipur, Resident Of Ravatpura Colony, Behind Kajal Kirana Store, Bhatagaon Phase-1, Raipur, District- Raipur (C.G.)

9 - Mrs. Menika George W/o- Sunil George, Aged About 52 Years L D T Teacher, Salem English School, Raipur, Resident Of A-15, Phase-1, Vishal Nagar Telibandha, Raipur, District- Raipur (C.G.)

10 - Mrs. Jennet Ann Barren W/o- Errol Barren Aged About 52 Years L D T Teacher, Salem English School, Raipur, Resident Of Ward No. 11 Waretwar Bhavan, Kundra Para, Gudhiyari, Raipur, District- Raipur (C.G.)

11 - Mrs. Pratiksha Robins W/o- Nitis Robins Aged About 51 Years L D T Teacher, Salem English School, Raipur, Resident Of House No. M I G - 1, Near Shiv Mandir, Katoratalab Raipur, District- Raipur (C.G.)

12 - Mr. Pravishant Saloman S/o- Pravindra Saloman, Aged About 49 Years L D T Teacher, Salem English School, Raipur, Resident Of Ward No. 12 Behind Nigam School Kota, Raipur, District- Raipur (C.G.)

13 - Mrs. Nivedita Ganguli W/o- Neelesh Ganguli Aged About 61 Years L D T Teacher, Salem English School, Raipur, Resident Of A-3/2, Surya Vihar, Pachpedi Naka, Raipur, District- Raipur (C.G.)

14 - Mrs. Deepmala John W/o- Vikas John, Aged About 46 Years L D T

Teacher, Salem English School, Raipur, Resident Of Rajendra Nagar, Ravigram, Raipur, District- Raipur (C.G.)

15 - Mrs. Arshiya Qureshi W/o- Md. Yunus Qureshi Aged About 48 Years L D T Teacher, Salem English School, Raipur, Resident Of House No. 729/56, Goshiya Masjid Road, Santoshi Nagar Raipur, District- Raipur (C.G.)

16 - Mrs. Shruti Wani D/o- Jitesh Kumar Wani Aged About 36 Years L D T Teacher, Salem English School, Raipur, Resident Of Dak Bunglow, Risaipara West, Ward No. 16, Dhamtari, District- Dhamtari (C.G.)

17 - Mrs. Rashmi George W/o- Adison George, Aged About 46 Years L D T Teacher, Salem English School, Raipur, Resident Of 11/75 Shri Nagar, Khamtarai 2, Raipur, District- Raipur (C.G.)

18 - Mrs. Pushpa Parul Bennette W/o- Mukul Sndeeep Bennette, Aged About 60 Years L D T Teacher, Salem English School, Raipur, Resident Of Raja Talab, Near Shiv Mandir, Ward No. 33 Raipur, District- Raipur (C.G.)

... Petitioner(s)

versus

1 - Chhattisgarh Diocese Board Of Education, Church Of North India, Opp. Rajbhawan, Gate No. 1, Civil Line, Raipur, District- Raipur (C.G.), Through Its Secretary

2 - The Principal, Salem English School, Raipur, District- Raipur (C.G.)

3 - The Collector, Raipur, District- Raipur (C.G.)

4 - The District Education Officer, Raipur, District- Raipur (C.G.)

... Respondents

(Cause title is taken from Case Information System)

For Petitioners	: Mr. Arun Kumar Shukla, Advocate
For Respondents No.1 & 2	: Mr. Amrito Das, Senior Advocate alongwith Mr. Yashkarn Singh, Advocate
For Respondents/State	: Ms. Diksha Gouraha, Dy. Govt. Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

01/07/2026

1. By the present writ petition, the petitioners seek quashment of the order dated 30.04.2026 (Annexure P/1), whereby the services of the petitioners have been terminated.
2. (a) Learned counsel for the petitioners submits that the petitioners were appointed as Lower Division Teachers (LDT) in the respondent institution vide order dated 24.06.2009 and had been discharging their duties satisfactorily without any adverse remark. He submits that though show-cause notices dated 08.04.2026 and 20.04.2026 were issued alleging misconduct, the petitioners submitted detailed replies denying all the allegations. However, without conducting a fair and proper departmental enquiry, without examining witnesses in their presence and without affording an effective opportunity of hearing, the respondent institution passed the impugned order dated 30.04.2026 terminating their services.

(b) Learned counsel further submits that the impugned order is stigmatic and punitive in nature and has been passed in complete violation of the principles of natural justice. It is further contended that the entire action is arbitrary, mala fide and retaliatory in nature. By placing reliance upon the judgment of the Supreme Court in ***Ramesh Ahluwalia v. State of Punjab & Others***, reported in (2012) 12 SCC 331, learned counsel submits that

even a private minority educational institution performing public functions is amenable to the writ jurisdiction of this Court under Article 226 of the Constitution of India and, therefore, the impugned action is liable to be interfered with.

3. *Per contra*, learned Senior Counsel appearing for respondents No.1 & 2, as well as learned State counsel, submit that the present writ petition is not maintainable on the ground that respondent No.1 is neither a “state” nor an instrumentality of the State within the meaning of Article 12 of the Constitution of India. It is submitted that the functioning, structure and control of respondent No.1 do not disclose any deep and pervasive governmental control so as to bring it within the ambit of Article 12. It is further submitted that the dispute raised in the present petition pertains to termination of service by a private minority educational institution and is essentially a private service dispute, for which writ jurisdiction under Article 226 would not ordinarily lie. Therefore, the extraordinary jurisdiction of this Court cannot be invoked in the facts and circumstances of the present case, and the writ petition deserves to be dismissed as not maintainable.
4. I have heard learned counsel for the parties and perused the pleadings as well as the documents available on record.
5. Having considered the rival submissions and upon perusal of the material placed on record, this Court finds that the primary grievance in the present petition arises out of termination of services of the petitioners by a private educational institution. The impugned disciplinary action is essentially in the realm of service

dispute between a private employer and its employees, and no statutory public duty has been shown to be involved so as to warrant invocation of writ jurisdiction as a matter of right.

6. In view of the nature of the respondent institution and the service relationship involved, the dispute falls within the domain of private employment. The petitioners have failed to establish that the respondent institution is amenable to writ jurisdiction either as “state” under Article 12 of the Constitution of India or as a body discharging such public functions as would justify interference under Article 226 in the facts of the present case.
7. In the circumstances, and in view of the decisions of the Constitution Bench in ***Pradeep Kumar Biswas v. Indian Institute of Chemical Biology reported in (2002) 5 SCC 111*** and the decision of the Andhra Pradesh High Court in ***Shaheed Begum v. Principal, Army School, Secunderabad, 2005 (6) ALD 312***, this Court is satisfied that the respondent institution cannot be treated as “state” or instrumentality of the State, and the service grievance of the petitioners is not amenable to writ jurisdiction under Article 226.
8. The Hon’ble Supreme Court in ***Ajay Hasia v. Khalid Mujib Sehravardi reported in (1981) 1 SCC 7222*** has reiterated that the tests for determining whether a body can be treated as an instrumentality or agency of the State are only indicative and not conclusive. It has been held that mere governmental control or financial nexus is not sufficient, and that the body can be brought within the ambit of Article 12 only where there exists deep and

pervasive State control or where it performs functions closely connected with governmental activities. The Court has further laid down relevant guiding factors such as extent of governmental control, financial assistance, monopoly status, and nature of functions.

9. The present case arises out of disciplinary action taken by a private educational institution against its employees, resulting in termination of services. The petitioners are not seeking enforcement of any statutory duty against the respondent institution. In such circumstances, the writ petition under Article 226 is not maintainable.
10. Applying the well-settled principles of law to the facts of the present case and for the reasons recorded hereinabove, this Court is of the considered opinion that the present writ petition deserves to be and is hereby **dismissed** as not maintainable. However, the petitioners are at liberty to avail such other remedy as may be available to them under law. No order as to costs.

Sd/-

(BIBHU DATTA GURU)
JUDGE