



CGHC010304112026



2026:CGHC:34912

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4136 of 2026

1 - Digree Lal Patel (D.L. Patel) S/o Shri Tuka Ram Patel Aged About 59 Years Working As Lecturer Cum Incharge-Principal, Government Higher Secondary School, Padigaon, Block Pussore, District Raigarh (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Nava Raipur, Atal Nagar, District Raipur (C.G.)

2 - Chhattisgarh State Women Commission Through Its Secretary, Office - Beside Chief Electoral Office, Shastri Chowk, Raipur, District Raipur (C.G.)

3 - President Chhattisgarh State Women Commission, Office - Beside Chief Electoral Office, Shastri Chowk, Raipur, District Raipur (C.G.)

4 - Director Directorate Of Public Instructions, Indrawati Bhawan, Nava Raipur, Atal Nagar, District Raipur

5 - District Education Officer Raigarh District Raigarh (C.G.)

6 - Soudamini Gupta D/o Late Balmukund Gupta Aged About 43 Years Posted As Lecturer (L.B.) At Govt. Higher Secondary School, Padigoan, Block Pussore, District Raigarh (Chhattisgarh)

... Respondent(s)

For Petitioner(s)	:	Dr. Arham Siddiqui, Advocate.
For State/respondent	:	Dr. Saurabh Kumar Pande, Dy AG.
For Respondent Nos.2 & 3	:	Shri Ashutosh Singh Kachhwaha, Advocate.
For Respondent No.6	:	Shri Munendra Kumar Sharma, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

10/08/2026

1. The present writ petition has been preferred under Article 226 of the

Constitution of India challenging the legality, validity and propriety of the proceedings and recommendation dated 06-07-2026 passed by the Chhattisgarh State Women Commission in Case No. 721/कार्यस्थल पर प्रताड़ना, whereby the Commission has recommended the transfer of the petitioner from his present place of posting i.e. Padigaoin High School, Pusour to another Block.

2. Brief facts of the case are that petitioner is serving as In-charge Principal of a Government School in District Raigarh, Chhattisgarh. Respondent No. 6 is an Assistant Teacher working under his administrative control. Respondent No. 6 lodged a complaint before the Chhattisgarh State Women Commission alleging, inter alia, misbehaviour, denial of leave, withholding of salary, failure to change her name in official records following divorce, and police inaction on her complaint. The petitioner received only a notice dated 04-07-2026, requiring him to appear before the Commission on 06-07-2026. The complaint and supporting documents were not supplied to him. When the petitioner appeared before the Commission, he requested copies of the complaint and relevant records to enable him to understand the allegations and submit an effective defence. Instead of supplying the documents or granting reasonable time to respond, the Commission concluded the proceedings and recommended the petitioner's transfer. The petitioner was also allegedly denied a copy of the impugned order and was told that he could obtain it only through an RTI application. According to the petitioner, the grievances raised by respondent No. 6 had already been dealt with by competent authorities and/or were pending before competent forums, including this Hon'ble Court. Related matters concerning

leave, change of name, alleged misconduct and departmental grievances had been considered in writ proceedings, departmental enquiries and administrative proceedings. A contempt petition arising from one such writ proceeding is also stated to be pending before this Hon'ble Court. The petitioner contends that he is neither the appointing authority nor the disciplinary authority of respondent No. 6 and is not the Drawing and Disbursing Officer responsible for payment of her salary. The petitioner states that the allegation regarding non-payment of salary is factually incorrect because the salary had already been processed and paid by the competent authority. He further states that the issue concerning change of respondent No. 6's name in official records had already been dealt with pursuant to orders of this Hon'ble Court and the competent educational authorities. By proceedings/recommendation dated 06-07-2026, the Commission recommended transfer of the petitioner. The petitioner challenges the recommendation as arbitrary, non-speaking, without jurisdiction and contrary to the principles of natural justice.

3. Counsel for the petitioner submits that on the basis of complaint made by Respondent No.6, the State Women Commission has taken cognizance of the matter and by impugned order dated 06.07.2026, recommend the District Education Officer for transfer of petitioner from High School, Padigaon, Pusour to any other Block. It has also recommended to DEO that the said exercise of transfer may be completed within 15 days. He submits that impugned order/recommendation dated 06-07-2026 is arbitrary, illegal, without jurisdiction and unsustainable in law, and is liable to be quashed for being violative of Articles 14, 16 and 21 of the Constitution of India. He

submits that Respondent No. 3 has exercised powers not vested in it under the applicable statutory framework and has thereby acted wholly without jurisdiction and in excess of the authority conferred upon it by law. The impugned action, being an unauthorized interference with the petitioner's service rights and having been passed without lawful authority, is therefore liable to be set aside.

4. Learned counsel for the commission submits that the impugned order has rightly been passed and is not required to be interfered with.
5. Learned State counsel submits that from the perusal of impugned order, it appears that the Commission has exceeded its jurisdiction.
6. Learned counsel for Respondent No.6/complainant submits that impugned order has rightly been passed.
7. I have heard counsel for the parties and perused the impugned order carefully.
8. Hon'ble Supreme Court in the case of **Bhabani Prasad Jena Vs. Convenor Secretary, Orissa State Commission for Women and Anr. (2010) 8 SCC 633**, while dealing with the powers and jurisdiction of State Women Commission has observed thus:-

“9. It would be seen from Section 10 of the 1993 Act that the State Commission has been authorized to take up studies in respect of economic, educational and health situation of the women of the State and also the working conditions of women in the factories, establishments, construction sites and make its

recommendations to the State Government. The State Commission is empowered to compile information in respect of the offences against women and to coordinate with the State Cell and District Cells for atrocities against women. Further, the State Commission is competent to receive complaints in respect of the matters specified in Section 10(1)(d) and take up the grievances raised in the complaint/s with the concerned authorities for appropriate remedial measures. The State Commission is also given role of assisting, training and orienting the non-Government organizations in the State in legal counselling of poor women and enabling such women to get legal aid. Under Clause (f) of Section 10(1), the State Commission is authorized to inspect or cause to be inspected, a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities these matters for remedial action.

10. *In other words, the State Commission is broadly assigned to take up studies on issues of economic, educational and healthcare that may help in overall development of the women of the State; gather statistics concerning offences against women; probe into the complaints relating to atrocities on women, deprivation of women of their rights in respect of minimum wages, basic health, maternity rights, etc. and upon ascertainment of facts take up the matter with the concerned authorities for remedial measures; help women in distress as a friend, philosopher and guide in enforcement of their legal rights. However, no power or authority has been given to the State*

Commission to adjudicate or determine the rights of the parties.”

9. Recently, in the matter of **Mumbai Port Authority vs. National Commission for Scheduled Caste and Others** reported in {2026 SCC OnLine 1398}, the Hon’ble Supreme Court in paragraph 9 has observed as under:-

9. We are of the considered view that the Division Bench fell in error in holding that the directions issued by NCSC in its order dated 23.10.2024 were within the scope of powers provided under the Constitution. The legislature has been quite categorical in the powers of the Civil Court that have been extended to the NCSC. The word used is “namely” whereunder certain powers have been enumerated. That indicates the limited scope of the powers granted to it. It is therefore clear that while it has powers to requisition documents and receive evidence it does not have the power to make an order in furtherance of that evidence. In other words, NCSC can record a factual finding and then ask the concerned Government, either the Centre or the State to act thereupon. At this stage it would be appropriate to refer to the submission of the NCSC which states that the word “safeguards” is an enforcement limb of Sub-article (5). Such a submission is difficult to accept in view of the explicit language of the Article. It certainly does not confer adjudicatory power, at

best recommendatory in nature. The power provided is to inquire into the deprivation of “rights and safeguards” of the Scheduled Castes. The use of the word “and” indicates that rights and safeguards are to be read together as a bundle.

10. In view of the aforesaid enunciation of law, it is evident that the State Women Commission is empowered to receive complaints concerning deprivation of the rights of women and to take up such grievances with the concerned authorities for appropriate remedial measures. However, such power does not extend to adjudicating the rights of the parties or issuing binding directions affecting the service conditions of an employee. The jurisdiction of the Commission is recommendatory and facilitative in nature and cannot be enlarged to confer upon it a power which has not been vested in it by the statute.
11. In the present case, the impugned proceedings/recommendation dated 06-07-2026, whereby the Commission has recommended to the District Education Officer to transfer the petitioner from Government High School, Padigaon, Pusour to any other Block and further directed that such exercise be completed within 15 days, clearly travels beyond the permissible limits of the jurisdiction of the Commission. The recommendation is not merely a request for consideration of the grievance by the competent authority, but substantially directs a particular service-related action against the petitioner. The power to transfer an employee, however, lies with the competent departmental authority in accordance with the applicable service rules and administrative framework.

12. The submission of learned State counsel that, from a perusal of the impugned order itself, the Commission appears to have exceeded its jurisdiction, also supports the conclusion reached by this Court. The impugned recommendation cannot be sustained merely because it is described as a recommendation. The substance and effect of the direction have to be considered. Where a statutory body recommends a specific coercive service action and fixes a time limit for the competent authority to carry it out, such action must have statutory sanction. In the absence of such authority, the same cannot be sustained.

13. The decision of the Hon'ble Supreme Court in *Bhabani Prasad Jena v. Convenor Secretary, Orissa State Commission for Women and Another*, (2010) 8 SCC 633, squarely indicates that the State Women Commission may inquire into grievances and take up the matter with the concerned authorities for remedial measures, but has no power to adjudicate or determine the rights of the parties. The principle reiterated by the Hon'ble Supreme Court in *Mumbai Port Authority v. National Commission for Scheduled Caste and Others*, 2026 SCC OnLine SC 1398, that a statutory commission having limited recommendatory powers cannot convert its fact-finding jurisdiction into an adjudicatory power, also applies to the present case.

14. Consequently, this Court is of the considered opinion that the impugned proceedings/recommendation dated 06-07-2026 passed by the Chhattisgarh State Women Commission recommending transfer of the petitioner from Government High School, Padigaon, Pusour to another Block, is without jurisdiction. The same, therefore, cannot be permitted to stand.

15. Accordingly, impugned proceedings/recommendation dated 06-07-2026 passed by the Chhattisgarh State Women Commission recommending/directing the transfer of the petitioner from Government High School, Padigaon, Pusour to any other Block and requires the District Education Officer to complete such exercise within 15 days, is hereby quashed and set aside and this Writ petition is accordingly **allowed**.

16. It is, however, made clear that this order shall not preclude the competent statutory/departmental authority from examining any grievance of respondent No.6 in accordance with law, nor shall it prevent the State Women Commission from exercising such powers as are lawfully vested in it under the applicable statutory provisions. Any such proceedings, if undertaken, shall be conducted strictly in accordance with law and after affording the concerned parties an appropriate opportunity of hearing, wherever required.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash