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WA-2420-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 29th OF OCTOBER, 2025

WRIT APPEAL No. 2420 of 2025

SUSHEEL KUMAR RAHANGDALE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri K.C. Ghildiyal - Senior Advocate with Ms. Warija Ghildiyal - Advocate for the appellants.

Dr. S.S. Chouhan - Government Advocate for the respondents/State.
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ORDER

Per. Hon'ble Shri Justice Vinay Saraf.

1. This instant *intra court* appeal is preferred under Section 2 (1) of M.P. Uchch Nyayalaya (Khand Nyayapeeth Ko Appeal), Adhiniyam, 2005 assailing order dated 21.07.2025 passed by learned Single Judge in W.P. No.8153/2021, whereby the learned Single Judge issued direction that appellants who had been transferred before 01.07.2018 to School Education to Non Tribal Blocks will be absorbed in the School Education Department and others will be absorbed in Tribal Welfare Department.

2. Short facts of the case are that, appellants were working as Samvida Shala Shikshaks in various schools managed by respective Jila/Janpad Panchayats under the provisions of Madhya Pradesh Panchayat Adhyapak Samvarg (Niyojan Evam Seva Ki Sharten) Rules, 2008 and Madhya Pradesh Nagariya Nikaya Adhyapak Samvarg (Niyojan Evam Seva Ki Sharten) Rules, 2008. As per



the rules, after completing three years of service as Samvida Shala Shikshak, the candidates were entitled for appointment in Adhyapak Samvarg and accordingly appellants were appointed in Adhyapak Samvarg. The State Government on 10.07.2017 permitted the School Teachers of Adhyapak Samvarg seeking their transfer from one local body to another. Schools were categorized as Tribal Block and Non Tribal Block. Thereafter, State Government promulgated new sets of rules in the year 2018 known as Madhya Pradesh School Education Services (Teaching Cadre) Service Conditions & Recruitment Rules, 2018 and Madhya Pradesh Tribes and Scheduled Castes Teaching Cadre (Services and Recruitment) Rules, 2018. Under these rules, the teaching cadre are consisting of post of Prathmik Shikshak, Madhyamik Shikshak and Uchch Madhyamik Shikshak and all the teachers working under the local bodies were brought under the direct control of the State Government by creating State Level Cadre. On the date of enforcement of the rules, the teachers working in Tribal Blocks were permitted to be absorbed in Tribal Welfare Department and the Teachers were working in the Non Tribal Blocks were permitted to be absorbed in School Education Department.

3. Rules of 2018 were became effective as per Rule 1(2) thereof w.e.f. 01.07.2018. All the appellants were working in Schools of Tribal Block, however immediately after enforcement of the Rules, they were transferred to Non Tribal Blocks. Later on their transfer orders were cancelled and they challenged the same in W.P. No.28095/2018, which was decided in Lok Adalat and the cancellation orders were set aside with a liberty to pass a fresh orders. Thereafter, again fresh orders were passed, which were challenged in W.P. No.20044/2020 and once again the said petition was decided on 14.05.2022 in Lok Adalat with similar direction the cancellation of transfer orders are set aside. The appellants preferred



the subject writ petition seeking direction to the respondents to consider the applications of the appellants for appointment in Teachers Cadre under School Education Department on the post of Madhyamik Shikshaks.

4. The respondents denied the entitlement of the appellants on the ground that on the cut off date i.e. 01.07.2018, appellants were working in Tribal Block Schools and therefore, they were entitled to be absorbed in Tribal Welfare Department Teaching Cadre and their subsequent transfer order did not provide any right to the appellants to claim absorption in School Education Department.

5. Learned Single Judge after considering the factual matrix of the case in detail and consideration of the provisions of both the sets of Rules of 2018 has held that the relevant date for consideration would be the date of enforcement of rules, which is 01.07.2018 and the appellants those were already transferred to Community Development Block Schools (Non Tribal Blocks) prior to 01.07.2018 and were working their at the time of enforcement of the rules, are entitled to be absorbed in School Education Department and if any one of the appellants transferred for the first time to Non Tribal Blocks, after 01.07.2018, would not be entitled to be absorbed in School Education Department and could claim absorption only in Tribal Welfare Department. With the aforesaid observations the respondents were directed to pass the appropriate orders within three months and the petition was disposed of accordingly.

6. Heard Shri K.C. Ghildiyal, Senior Advocate with Ms. Warija Ghildiyal, Advocate for the appellants on the question of admission.

7. Learned senior counsel appearing on behalf of appellants vehemently argued that the appellants were transferred to Non Tribal Blocks by orders dated 02.08.2018, 04.08.2018, 05.08.2018 respectively and as the Rules of 2018 were not implemented till their transfer to Non Tribal Blocks, the appellants were



entitled to be absorbed in School Education Department. Learned senior counsel further submits that transfer order of appellants were cancelled by the department and the cancellation orders were challenged in Writ Petition No.28095/2018 on 26.11.2018, wherein the interim protection was granted by learned Single Judge of this Court by order dated 05.12.2018 and later on the petition was disposed of in Lok Adalat on 14.12.2019, whereby the cancellation order was set aside and the respondents authority was granted liberty to pass a fresh orders. He further submits that thereafter the fresh orders were passed and once again by order dated 16.12.2020 the appellants were re-transferred to the Tribal Blocks. The appellants challenged those orders in W.P. No.20044/2020, wherein by order dated 31.12.2020, interim protection was granted to the appellants by learned Single Judge and thereafter by order dated 14.05.2022, petition was disposed of in Lok Adalat with a liberty to the respondents to pass a fresh order, if occasion arises, and the order dated 16.12.2020 were set aside.

8. The appellants submit that once the order of cancellation of transfer to Non Tribal Block was approved by the High Court, respondents cannot deny the entitlement of appellants to be absorbed in the cadre of School Education Department as the appellants were working in School Education Department on 30.11.2018 when the directions were issued by Commissioner, Public Instructions to all the District Education Officers and District Project Convenor to complete the formality as per Rules 2018 for the purpose of absorption of teachers in respective cadres. It is submitted that the cut off date should be 30.11.2018 and not 01.07.2018 as held by the learned Single Judge.

9. We are not in agreement with the argument advanced on behalf of appellants for the simple reason that two sets of Rules 2018 were notified on



30.07.2018 and came into force w.e.f. 01.07.2018 and on the date of application of rules i.e. 30.07.2018 as well the date of enforcement of rules i.e. 01.07.2018, appellants were working in 89 Tribal Blocks and immediately after publication of Rules, the C.E.O. of respective Local Body transferred the appellants to Non Tribal Blocks, enabling them to claim their entitlement for absorption in cadre of School Education Department. However, it is not in dispute that on the date of enactment of rules or enforcement of rules, appellants were not working in the Non Tribal Blocks. The argument advanced by the learned senior counsel on behalf of appellants that as the directions were issued by Commissioner, Public Instructions on 30.11.2018 to District Education Officer and District Project Convenor for completing the formalities as per the Rules of 2018 for the purpose of absorption of teachers working in Tribal and Non Tribal Blocks, should be considered as cut off date, is misplaced as the cut off date would be the date of enforcement of the rules.

10. In the case in hand, it appears that immediately after notification of rules the appellants were transferred to Non Tribal Blocks to extend undue benefit to the appellants.

11. Learned Single Judge has considered the case in detail and after due consideration of the facts of the case as well as provisions of the Rules, learned Single Judge has rightly held that those teachers who were working in 89 Tribal Blocks were entitled to be absorbed in the cadre of Tribal Welfare Department and those teachers who were working in 224 Community Development Blocks (Non Tribal Blocks) were entitled to be absorbed in the cadre of School Education Department and the cut off date of the same was 01.07.2018 i.e. the date of enforcement of Rules, 2020.

12. We are in full agreement with the findings recorded by the learned



Single Judge, which is duly based on the rules position. There is no infirmity in the order passed by the learned Single Judge and the same does not require any interference in this *intra court* appeal. The order passed by the learned Single Judge appears to be just and proper and we are not inclined to interfere in the same.

13. Consequently, the admission is declined. Appeal is dismissed. No order as to costs.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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