

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.82 of 2012

- Smt. Parwati Sahu, S/o Shri Tekram Sahu, aged about 41 years, Occupation Service, Posted as Shiksha Karmi Grade-II, Govt. Girls High School Ludeg, Tahsil Patthalgaon, District Jashpur (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh, through the Secretary Panchayat and Rural Development Department, Mantralaya, DKS Building, Raipur (C.G.)
2. Collector, Jashpur District Jashpur (C.G.)
3. The Chief Executive Officer, District Panchayat Jashpur District Jashpur (C.G.)
4. The District Education Officer, Jashpur, District Jashpur (C.G.)

---- **Respondents**

For Petitioner	Mr. CJK Rao, Advocate
Respondent/State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05.10.2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is working as Shiksha Karmi Grade-II having been appointed on the said post in the year 1998. He has assailed this writ petition seeking promotion from the date her juniors were promoted on the post of Shiksha Grade-I in the year 2006.

(3) Return filed by the respondent/State would indicate that in the

year 2006, the petitioner was not considered for promotion, because, she had acquired, the Post Graduate qualification without seeking prior permission from the Department. Similarly, on promulgation of Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Service) Rules, 2007, a teacher has to be B.Ed./D.Ed. Trained and the petitioner was not having the said qualification at that time.

(4) A reading of Annexure R/1 would indicate that *ex post facto* permission of acquiring Post Graduate qualification has already been granted and thus, the qualification of Post Graduate has been entered into the petitioner's service book.

(4) Learned counsel for the petitioner would submit that the petitioner has now completed B.Ed. Training at Government expenses and thus, she is fully qualified and eligible for promotion to the post of Lecturer (Panchayat).

(5) Considering the facts and circumstances of the case, the writ petition is disposed of with a direction that in the event, the petitioner prefers a fresh representation before the competent authority seeking promotion on the post of Lecturer (Panchayat) and if the post in the said cadre is available, the competent authority shall consider and decide the case of the petitioner along with all other eligible and qualified candidates within a period of 3 months from the date of submission of representation.

Sd/-

Judge

(Prashant Kumar Mishra)