

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 212 of 2015**

Rath Ram Kaushik s/o Shri Mahhettar Lal Kaushik aged about 53 years, presently working as peon at Govt. Higher Secondary School, Tuman Block & P.S. Kartala district Korba (C.G.)

---- Appellant

**Versus**

1. State of Chhattisgarh through the Secretary Tribal Welfare Department, Mahanadi Bhawan, Raipur (C.G.)
2. The Commissioner Tribal Welfare Department, Chhattisgarh Tehsil and District Raipur (C.G.)
3. The Assistant Commissioner, Tribal Welfare Department, District Korba (C.G.)
4. The Pariyojna Prashasak (Project Administrator) Integrated Tribal Development Project Korba.
5. The Collector (Tribal Department) Korba tehsil and District Korba (C.G.)
6. Maidni Prasad Assistant Teacher (Science) Govt. Higher Secondary School, Tuman, district Korba (C.G.) presently working as Upper Division Teacher Balak Ashram Dhourabhata Block Dabhara district Janjgir-Champa (C.G.)
7. The Principal Govt. Higher Secondary School, Tuman, Block Kartala district Korba (C.G.)

---- Respondents

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| For Appellant        | : | Shri Ashwani Shukla, Advocate        |
| For Respondent/State | : | Shri U.N.S. Deo, Government Advocate |

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**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &**  
**HON'BLE SHRI P.SAM KOSHY, J.**

**Judgment On Board****Per NAVIN SINHA, C.J.****10/04/2015**

1. I.A. No. 01 of 2015 has been filed to condone 35 days delay.

Considering the duration, delay is condoned.

2. The present appeal arises from order dated 15.12.2014 dismissing Writ Petition No. 519 of 2003 on grounds of delay and laches.

3. Learned Counsel for the Appellant submits that notwithstanding the order under appeal with regard to Respondent No.6, persons junior to him have subsequently also been considered for promotion during the pendency of the case and the Appellant denied consideration arbitrarily.

4. Learned Counsel for the State supporting the order under appeal reiterated that it calls for no interference.

5. We have considered submissions on behalf of the parties. The order of the Learned Single Judge declining to interfere with the claim of the Petitioner to be considered for promotion to Lab Attendant and then to the post of Assistant Teacher (Science) on the premise that Respondent No.6 was junior to him calls for no interference being stale and belated. But simultaneously, the writ petition was preferred in 2003 and one of the grounds urged before us is complete denial of consideration even thereafter while his juniors have been considered and promoted.

6. The Appellant undoubtedly has a right to be considered for promotion in accordance with law. It is therefore directed that the authorities shall examine the claim of the Appellant with regard to promotion from 2003. If his juniors, with the exception of Respondent No.6 have been considered and promoted, the Respondents shall consider the claim of the Petitioner from the date that his juniors may have been promoted. In the event that his case has been considered and he has been found unfit, the present order cannot be

construed as a direction for fresh consideration.

7. The appeal is dismissed with the aforesaid observations.

(Navin Sinha)  
**CHIEF JUSTICE**

(P. Sam Koshy)  
**JUDGE**