

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6271 of 2014

1. Rajesh Kumar Soni S/O Shri Moti Lal Soni Aged About 43 years Assistant Teacher (Panchayat), At Govt. Primary School Mahuda (Cha), Block Baloda, Distt Janjgir Champa, R/O Kadam Chowk, Champa, Tahsil & PS Champa, Dist Janjgir Champa, CG

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt Raipur, CG
2. Project Officer, Zila Panchayat, Janjgir Champa, CG
3. The Chief Executive Officer, Zila Panchayat, Janjgir Champa, Dist Janjgir Champa, CG
4. District Education Officer, Janjgir Champa, Dist Janjgir Champa, CG
5. Block Education Officer, Baloda, Dist Janjgir Champa, CG
6. The Chief Executive Officer, Janpad Panchayat, Baloda, Dist Janjgir Champa, CG

---- Respondent

For Petitioner	Shri Mateen Siddiqui, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate and for the respondent No.6/CEO, Janpad Panchayat, Baloda, Dist. Janjgir-Champa.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/05/2015

Heard learned counsel for the parties.

1. This petition has been preferred seeking a direction to the respondents to consider his case for promotion from the post of

Assistant Teacher (Panchayat) to the post of Teacher (Panchayat) (Mathematics).

2. Shri Siddiqui, learned counsel for the petitioner, would submit that in the gradation list of Assistant Teacher (Panchayat), showing the seniority position as on 1-4-2014, petitioner's name finds place at S.No.6 and was also included in the zone of consideration. The petitioner was required to participate in the counseling for promotion to the post of Teacher (Panchayat) (Mathematics), however, on account of some acute personal difficulty, the petitioner had to proceed on casual leave on the date when the counseling was scheduled, therefore, the promotion order issued by the Zila Panchayat did not contain the name of the petitioner. Shri Siddiqui would submit that many Assistant Teachers (Panchayat), junior to the petitioner, e.g. Devlal Patel, Manbodh Patel, etc., have been promoted.
3. Shri Siddiqui, learned counsel for the petitioner, would submit that for the present the writ petition may be disposed of with a direction to the respondent authorities to consider the representation preferred by the petitioner, in accordance with law.
4. Shri Thakur, learned Govt. Advocate, appearing for the State, would submit that if the petitioner is qualified and eligible, there is no reason why the Zila Panchayat should not consider and decide the representation of the petitioner.

5. Considering the nature of relief claimed by the petitioner, the petition is disposed of. If the petitioner files fresh representation before the concerned competent authority along with copy of the petition within a period of one month from today, the said authority is directed to consider and decide the same in accordance with law and on its own merits, as early as possible preferably within a period of three months from the date of receipt of representation along with copy of this order.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the representation, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

J U D G E

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