

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2489 of 2015**

- K. Dayasagar S/o Late Shri Veersham Aged About 51 years Occupation Upper Division Teacher, Faculty Political Science Category O.B.C. Posted At Middle School Tushval, Block And Tehsil Bhairamgarh, P.S. Barsoor, District Bijapur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Secretary, Department of Tribal Welfare And Development, Mahandi Bhawan Naya Mantralya, P.S. Naya Raipur Chhattisgarh
2. Commissioner Department of Schedule Tribe And Schedule Caste Development, Indravati Bhawan, Place & P.S. Naya Raipur, Chhattisgarh
3. Assistant Commissioner Department of Tribal Development Bijapur, P.S. Bijapur, Civil and Revenue District Bijapur Chhattisgarh
4. Moh. Shahid Khan Aged About 50 Years Occupation Lecturer, Faculty Political Science Category O.B.C. Posted At Middle School Donganala Pali, Block And Tehsil Korba, P.S. Korba District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Shri Avinash K. Mishra, Advocate
For Respondents/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****15/07/2015**

1. Petitioner was appointed as Assistant Teacher in the year 1993 and thereafter he was promoted as Upper Division Teacher on 27.02.2009. The respondents have considered the issue of promotion of Upper Division Teachers to the post of Lecturer (Political Science), but the petitioner has not been promoted because his name is not included in the gradation list of Upper Division Teachers, even though persons junior to the petitioner have

been granted promotion.

2. According to learned counsel for the petitioner, number of juniors have been promoted and despite representation being filed by the petitioner, his grievance has not been paid heed to. He would submit that the petitioner has not earned any adverse remark, nor any enquiry is pending against him, therefore, non-consideration of his case for promotion is arbitrary.
3. Learned counsel would further submit that for the present, the petitioner may be permitted to make fresh representation and the respondents be directed to decide the same at the earliest, so that the petitioner is aware as to the reason for denial of promotion.
4. Learned State counsel would submit that if fresh representation is filed, the same shall be considered and decided, in accordance with law.
5. In view of the foregoing, the writ petition is disposed of with a direction that in the event, the petitioner submits a fresh representation within a period of one month from today seeking promotion on the post of Lecturer (Political Science), the competent authority shall consider and decide the same by a speaking order, in accordance with law, on its own merits, within a further period of three months.
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 matter, 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.

Sd/-

Judge