

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2851 of 2015

1. Himanchal Prasad Patel S/o Shri Baludram Patel Aged About 50 years Working As Upper Division Teacher, Govt. Primary School, Karigadai, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
2. Damrudhar Patel S/o Purushottam Patel Aged About 48 Years Working As Upper Division Teacher, Resident Of Village- Tendubhat, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
3. Adal Sai Paikra S/o Shridhar Sai Paikra Aged About 49 Years Working As Upper Division Teacher, Resident Of Dharamjaigarh, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
4. Ravishankar Sarthi S/o Ghuran Ram Sarthi Aged About 48 Years Working As Upper Division Teacher, Resident Of Patrapara, Dharamjaigarh, Tahsil - Dharamjaigarh, District- Raigarh (Chhattisgarh)
5. Smt. Susanna Bhagat W/o Bidhalram Bhagat Aged About 51 Years Posted As Upper Division Teacher, Government Middle School Bakaruma, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
6. Sadhuram S/o Late Fadalram Tandon Aged About 50 Years Posted As Upper Division Teacher, Govt. Middle School, Kapu, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
7. Gurubara Ram Bhartendu S/o Chandram Bhartendu Aged About 49 Years Posted As Upper Division Teacher, Govt. Middle School Paraghati, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
8. Smt. Jermina Bhagat W/o Shri Ram Bhagat Aged About 49 Years Upper Division Teacher, Govt. Middle School Manjhapa (Kapu), Tahsil - Dharamjaigarh, District- Raigarh (Chhattisgarh)
9. Nevas Lakra S/o Thoms Lakra Aged About 53 Years Posted As Upper Division Teacher, Govt. Middle School, Rajpur, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
10. Ashok Kumar Paikra S/o Charan Sai Aged About 54 Years Posted As Upper Division Teacher, Govt. Middle School, Rudukela, Tahsil Dharamjaigarh, District- Raigarh (Chhattisgarh)
11. Chandulal Sahu S/o Param Sahu Aged About 51 Years Resident Of Village- Kharra, Post- Behramar, Tahsil- Dharamjaigarh, District- Raigarh (Chhattisgarh)
12. Fardinand Minj S/o Marsel Mangru Minj Aged About 55 Years Address Upper Division Teacher Middle School Pakargoan, Block Lailunga, District- Raigarh (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through - The Secretary, Scheduled Caste &

Scheduled Tribe Development Department, Mahanadi Bhawan,
Mantralaya, New Raipur, District- Raipur (Chhattisgarh)

2. The Principal Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur (Chhattisgarh)
3. The Commissioner, Department Of Sc/st Development, Indrawati Bhawan, New Raipur, District - Raipur (Chhattisgarh)
4. The Collector, Tribal Welfare Section , Raigarh (Chhattisgarh)
5. The Assistant Commissioner, Tribal Welfare Department, Raigarh (Chhattisgarh)

---- Respondents

For Petitioners	: Shri K.K.Pandey, Advocate.
For Respondent	: Shri Yashwant Singh Thakur, Dy.A.G. for the State.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

07/08/2015

Grievance of the petitioners as ventilated through this petition is that though notional seniority on the post of Upper Division Teacher has been granted with effect from 07.10.2008 vide order dated 24.04.2015, the petitioners case for promotion to the post of Lecturer has not been taken up. There are large numbers of Upper Division Teachers, who are juniors to the petitioners, they have already been promoted as Lecturers and for want of correct seniority, earlier, petitioners were illegally deprived of promotion. It is submitted that anomalous situation has arisen where juniors have already been promoted whereas petitioners are still continuing on the post of Upper Division Teachers.

2. The petitioners have placed on record the order dated 24.04.2015 (Annexure P-2) which shows that petitioners have been granted seniority from 7.10.2008 on the post of UDT. Number of UDTs who have already been promoted on the post of Lecturer, are now lower in seniority on the post of UDT, subsequent to the date of seniority granted to the petitioners vide order dated 24.4.2015. Therefore, the petitioners claim does not appear to be frivolous.

3. If by grant of notional seniority the petitioners have become senior to those UDTs who have been promoted as Lecturers, the respondents should also consider the case of the petitioners subject to vacancy on the post of Lecturer.

4. In these circumstances, particularly taking into consideration that seniority has now been granted to the petitioners only recently vide order dated 24.4.2015, therefore in these circumstances, at present, it would be appropriate in the interest of justice to dispose of the petition with a direction to respondent No.3 to consider the petitioners case for promotion strictly in accordance with the statutory rules on the basis of seniority granted to them vide order dated 24.4.2015, subject to availability of vacancy. If the vacancies are available, respondent No.3 should take all necessary expeditious steps for considering the cases for promotion by constituting DPC in accordance with the rules.

5. Taking into consideration the nature of exercise required to be undertaken to consider large number of promotion, at present no specific time limit has been fixed, however, respondent No.3 should complete the exercise within a reasonable period. If that is not done, the petitioner would be at liberty to approach this Court.

6. With the aforesaid observations/direction, the petition is disposed of.

Sd/-
Pritinker Diwaker
Judge