

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1417 of 2009**

Padum Kumar Sahu S/o Shri Thanda Ram Sahu aged about 42 years presently working as Assistant Teacher T.W.P. Government Higher Secondary School Pali District Korba Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary Scheduled Tribe and Schedule Caste Development Department Mantralaya D.K.S. Bhawan Raipur District Raipur Chhattisgarh
2. The Commissioner, Schedule Caste and Schedule Tribe Development Department, Chhattisgarh, Raipur, District Raipur Chhattisgarh
3. Assistant Commissioner, Tribal Development Department Korba District Korba Chhattisgarh
4. The Principal Government Boys Higher Secondary School T.W.P. Pali Korba District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Chauhan, Advocate.
For Respondent/State	:	Shri UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****05/02/2016**

1. The Petitioner is a Lower Division Teacher (hereinafter called 'the LDT') in the Tribal Department having been appointed on 31.3.1987 urging that he is a Science Graduate and possesses a Bachelor's Degree.
2. Learned Counsel for the Petitioner submits that the Upper Division Teachers (hereinafter called 'the UDT') are appointed by direct recruitment, promotion and transfer. 50% vacancies are to be filled by direct recruitment and 50% posts are to be filled by promotion. Despite the directions given in Writ Petition (S) No. 815 of 2007 to consider his candidature for promotion, the authorities have not passed appropriate final orders.

3. Learned Counsel for the State from the counter-affidavit submits that in the year 1993, out of 244 posts of UDTs, 122 i.e. 50% have been filled by direct recruitment and rest have been filled up by way of promotion from Assistant Teachers. All the Assistant Teachers appointed on 13.7.1982 have been promoted to the post of UDT. The Petitioner has been appointed on 23.4.1987 and no person junior to him has been promoted. The Petitioner has been granted the benefit of time bound promotion in 1999.

4. Having considered the submissions and that time bound promotion is different from substantive promotion, the Respondents are obliged to consider case of the Petitioner for promotion in accordance with law against 50% promotional quota for the post of UDT from the date when that junior to him may have been promoted.

5. Let such consideration be done and final appropriate orders passed, if not already done, within a maximum period of three weeks from the date of receipt and/or production of a copy of this order.

6. The writ petition is disposed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE