

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1082 of 2010

- Sandeep Dubey S/o Shri Krishna Kumar Dubey, R/o Hanuman Nagar, “Krishna Kunj”, Durg District - Durg CG

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Education Department, DKS Bhawan, Raipur CG
 2. District Education Officer, Durg District - Durg CG
 3. Smt. Kalpana Deshpande Upper Division Teacher, Durg District - Durg CG
 4. Manish Sharma Upper Division Teacher, Durg District - Durg CG
 5. Smt. Mamta Gupta Upper Division Teacher, Durg District - Durg CG
 6. Amoli Ram Sahu Upper Division Teacher, Durg District - Durg Cg
 7. Smt. Manjula Singh Upper Division Teacher, Durg District Durg CG
- Respondents 3 To 7 Through District Education Officer, Durg CG

---- Respondent

For Petitioner	Mr. Ajay Shrivastava, Advocate
For Respondent /State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/2/2016

Heard finally with the consent of learned counsel for the parties.

(2) This petition under Article 226 of the Constitution of India has been preferred seeking a direction to the respondents to promote the

petitioner on the post of Upper Division Teacher from the date his juniors i.e. respondents 3 to 7 were promoted along with all consequential benefits.

(3) Mr. Thakur, learned counsel for the State, would submit that the petitioner has already been promoted as Upper Division Teacher on 09.11.2011, which is not disputed by learned counsel for the petitioner, therefore, the issue presently requiring for adjudication is whether the petitioner was entitled for promotion from the date his juniors were promoted.

(4) Mr. Shrivastava, learned counsel for the petitioner, would submit that in August 2008, the petitioner was not promoted, while his juniors were promoted, on the ground that the petitioner is not a science graduate. However, there being no segregation or maintaining of separate gradation list of such Assistant Teachers, who are Science Graduate or Arts Graduate, such recourse could not have been adopted ignoring the seniority of the petitioner. He would refer to the decision rendered by this Court on 18.06.2015 in the matter of **Smt. Usha Yadav and others Vs. State of Chhattisgarh and another** (WP.S No.1324 of 2009).

(5) Learned counsel for the State would submit that if the petitioner prefers a representation resting his claim on the basis of judgment rendered in the matter of **Smt. Usha Yadav (supra)**, the competent authority shall consider and decide the same in accordance with law.

(6) Considering the entire facts' situation of the case, the writ petition is disposed of with a direction that in the event, the petitioner prefers a representation for grant of promotion from August 2008,

when the persons juniors to him were promoted, and places reliance on the judgment rendered by this Court in the matter of **Smt. Usha Yadav (Supra)**, the competent authority i.e. District Education Officer shall consider and decide the petitioner's representation, at the earliest, preferably within a period of 04 months from the date of submission of representation.

Sd/-

Judge

(Prashant Kumar Mishra)

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