

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 223 of 2016**

1. Man Singh Sahu S/o Mahu Ram Sahu, Aged About 33 Years R/o Sona Nagar, P.S. Sihava, District Dhamtari (Chhattisgarh)
2. Rajesh Tiwari S/o Ganesh Prasad Tiwari, Aged About 42 Years R/o Village Pandripani, P.S. Sihava, District Dhamtari (Chhattisgarh)

---- Appellants**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Collector, Dhamtari, District Dhamtari, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, District Dhamtari (Chhattisgarh)
4. Block Education Officer, Nagari, District Dhamtari (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat, Nagri, District Dhamtari (Chhattisgarh)

-----Respondents

For Petitioners:	Shri Sanjeev Sahu, Advocate.
For Respondents/State:	Shri Prafull N. Bharat, Additional Advocate General.

Hon'ble The Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Deepak Gupta, Chief Justice****7/07/2016**

1. The Writ Petitioners are holding the post of Assistant Teacher (Panchayat) since the year 2007. Their case is that they are eligible to be promoted as Teacher (Panchayat) but they are not being considered. Earlier, they had filed Writ Petition (S) No.3045/2015 wherein the Court had directed the Petitioner to make a representation under Rule 18 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999.

2. This representation has been disposed of by stating that the information with regard to the vacant post of Teacher has been requisitioned and as and when such information is received, the Petitioners shall be considered for promotional post of Teacher.

3. Learned Single Judge held that no writ can be issued to the Respondents to promote the Petitioners. However, the Petitioners, if they are otherwise eligible, are entitled to be considered for promotion. The only ground taken by the State is that the information with regard to the promotional post is still awaited and the Learned Single Judge has, while dismissing the Writ Petition, held that the Respondent/authorities may consider the case of the Petitioners for higher post if they are found to be eligible for the post of Teacher (Panchayat).

4. This is the 2nd round of litigation so far as the Petitioners are concerned. It is not disputed that they are eligible for promotion and if there are vacant posts, the employer must show as to why the posts are being kept vacant and why they should not be filled up. True it is that no employee has a right to be promoted but it is a well settled law that every employee has a right to be considered for promotion. It is also well established that Government service is a matter of status and every employee has an aspiration of reaching higher levels. We therefore, dispose of this Writ Appeal with the following directions:-

A. That the the District Education Officer, Dhamtari shall, within 3 months from today, provide information with regard to the vacant post of Teacher (Panchayat) existing in the District of Dhamtari.

B. If there are posts lying vacant, then the State Government shall take steps to fill in these posts by promotion within 3 months months thereafter. In case the Petitioners are in the field of choice and otherwise eligible for promotion, they shall be considered for promotion along with all other eligible Assistant Teachers (Panchayat) in accordance with law.

5. With the above directions, the instant Writ Appeal stands disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Priya