

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1926 of 2016

Smt. Shail Gupta W/o Shri Chandra Kumar Gupta, Aged About 52 Years
Employed As Lady Health Visitor Community Health Centre, Berla District
Bemetara (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Health And Family Welfare
Deptt. Mahanadi Bhawan, Mantralaya, Naya Raipur 492002 (Chhattisgarh).
2. The Director, Health Services, Block A, 3rd Floor Indrawati Bhawan, Naya
Raipur, Chhattisgarh.
3. The Divisional Joint Director, Health Services, Raipur Division, Nurses, Hostel,
Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Vishwanath Goswami, Advocate
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/06/2016

Heard on admission.

1. The petitioner has approached this Court with a grievance that her case for
promotion on the post of Block Extension Educator (BEE) is not being
considered in terms of Chhattisgarh Health and Family Welfare Department
Paramedical and Nursing (Secretariat Health Services) Class III Recruitments
Rules, 2013. As per this Rules, it is submitted that the petitioner has completed 5
years of service on the post of Lady Health Visitor and she has become entitled
for being considered for promotion to the next higher post of BEE. The
representation of the petitioner has been forwarded to the higher authority also

vide memo dated 7.10.2015 (Annexure P-11), but till date, no steps have been taken.

2. In the petition, there is no averment that there are vacant posts of BEE. Learned counsel for the petitioner submits that at least the respondents should inform whether the post are available or not.
3. Unless there is a clear averment in the petition regarding availability of vacancy, direction for consideration of cases for promotion cannot be issued. As and when promotional posts are available, the petitioner would be at liberty to represent and if she is not considered within a reasonable time, she may take recourse to appropriate remedy.
4. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge