

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2413 of 2016

Chhabilal Baghel S/o Indal Baghel, Aged About 46 Years Shikshak Panchayat (Shiksha Karmi Grade II), Govt. Middle School, Andiyarkhor, Nawagarh, District Bemetara, (Chhattisgarh), Civil District Durg, Revenue District Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary, Panchayat, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
2. The Collector, Bemetara, District Bemetara, (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat, Bemetara, (Chhattisgarh)
4. Head Master, Middle School, Andiyarkhor, Nawagarh, District Bemetara, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. A.K. Prasad, Advocate.
For State	:	Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/08/2016

Heard.

The grievance of the petitioner is that the petitioner is eligible and within the zone of consideration for the promotion on the next higher post of Lecturer (Panchayat).

1. Learned counsel for the petitioner submits that the petitioner is in public employment with avenue of promotion provided under the Government recruitment rules known as Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012. It is submitted that though large number of posts are lying vacant, promotions are not being held.
2. If the posts are available, the petitioner is within the zone of consideration,

the case of the petitioner along with all the other eligible candidates as per the available vacancy should be considered by the competent authority in the matter.

3. In the case of **Delhi Jal Board Vs. Mahinder Singh, (2000) 7 SCC 210**, it has been held that right to be considered for promotion according to the Rules subject to availability of a vacancy is a fundamental right. Therefore, in these circumstances, at this stage, the petition is disposed off with a direction to respondent No.1 to examine the matter identifying vacancies and then to initiate the process of consideration of promotion of the petitioner and other eligible candidates on the available vacant posts as per the rules.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E