

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3230 of 2016**

1. Tek Singh Markam S/o Kasrat Singh Markam, Aged About 42 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Supkhar, P.S. Rengakhar (Kala), Tahsil & Janpad Panchayat Bodla, District Kabirdham, (Chhattisgarh)
2. Ashok Kumar Hathile, S/o Mr. Hori Lal Hathile, Aged About 37 Years Presently Working As Assistant Teacher (Panchayat) At Government Primary School Dhawaipani, Post Chilphi, P.S. Chilphi, Tahsil & Janpad Panchayat Bodla, District Kabirdham, (Chhattisgarh)
3. Pawan Meravi, S/o Mehtar Singh, Aged About 49 Years Presently Working As Assistant Teacher (Panchayat) At Govt. Primary School Agari, Post Rengakhar, P.S. Rengakhar, Tahsil & Janpad Panchayat Bodla, District Kabirdham, (Chhattisgarh)
4. Mehatar Singh Dhurway, S/o Shri Bhola Singh, Aged About 42 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Dariya, Post Samnapur, P.S. Rengakhar, (Kala), Janpad Panchayat Bodla, District Kabirdham, (Chhattisgarh)
5. Narendra Das Baghel, S/o Shri Baba Das Baghel, Aged About 41 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Jampani, Post & P.S. Chilphi Ghati, Janpad Panchayat Bodla, District Kabirdham, (Chhattisgarh)
6. Roshan Markam, S/o Julam Singh, Aged About 43 Years Presently Working As Assistant Teacher (Panchayat), At Primary School Sarenda, Post And P.S. Chilphi, Janpad Panchayat, Bodla, District Kabirdham, (Chhattisgarh)
7. Ramavtar Dahariya, S/o Chandulal, Aged About 40 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Riwapar, P.S. Bodla, Janpad Panchayat Bodla, District Kabirdham, (Chhattisgarh)
8. Balak Das Dahariya, S/o Chhunkuram Dahariya, Aged About 33 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Rahangi, Janpad Panchayat Bodla, P.S. Bodla, District Kabirdham, (Chhattisgarh)
9. Smt. Rashmi Hathile, W/o Kunj Bihari, Aged About 33 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Silhati, Janpad Panchayat, Bodla, P.S. Bodla, District Kabirdham, (Chhattisgarh)
10. Jagelal Sahu, S/o Tanak Ram Sahu, Aged About 37 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Mannabedi, Janpad Panchayat, Bodla, P.S. Bhoramdev, District Kabirdham, (Chhattisgarh)
11. Punit Ram Sahu, S/o Ishwar Ram Sahu, Aged About 36 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Barbhawar, Janpad Panchayat Bodla, District Kabirdham, (Chhattisgarh)

12. Dwarika Prasad Sahu, S/o Guhara Ram Sahu, Aged About 40 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Mannabedi, Janpad Panchayat Bodla, P.S. Bhoramdev, District Kabirdham, (Chhattisgarh)
13. Madhuri Sahu, W/o Bhupesh Sahu, Aged About 36 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Daganiya, Post And P.S. Kawardha, District Kabirdham, (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through: Secretary, Panchayat & Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Kabirdham, (Chhattisgarh)
3. Janpad Panchayat, Bodla, Through Its Chief Executive Officer, Distt. Kabirdham, (Chhattisgarh)
4. Block Education Officer, Block Kawardha, Distt. Kabirdham, (Chhattisgarh)

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For Petitioners	:	Mr. A.K. Yadav, Advocate
For Respondent-State	:	Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

28/07/2016

Heard on admission.

1. The grievance ventilated through this petition is on account of non-consideration of petitioners' case for promotion on the next higher post of Teacher (Panchayat).
2. Learned counsel for the petitioners submits that the petitioners are in public employment with avenue of promotion provided under the Govt. recruitment rules known as Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012. It is submitted that the petitioners have completed minimum eligibility of 7 years and large number of

posts of Teacher (Panchayat) are lying vacant. The petitioners enjoy a very high position in the seniority list and are therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioners for promotion.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioners invoking the remedy of statutory representation to the competent authority as provided under Rule 18 (1) (b) of the Panchayat Service (Discipline and Appeal) Rules, 1999 (for short "*the Rules of 1999*"). A perusal of the aforesaid Rule clearly provides that a member of the Panchayat Service may make representation against an order which amongst others, denies promotion to a higher post or service to which is otherwise eligible according to recruitment rules and which is due to them in accordance to seniority.

4. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.

5. Accordingly, this petition is also disposed off with a direction that in case the petitioners prefer representations, the same shall be considered and decided by the authority by speaking order within a period of 6 months from the date of receipt of representations.

Sd/-

(Manindra Mohan Shrivastava)
Judge