

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3249 of 2016**

1. Chatur Das Bhatt S/o Shri Shambhu Das Bhatt, Aged About 47 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Bijaghor Janpad Panchayat Kawardha P.S. & Tahsil Kawardha District Kawardha Chhattisgarh
2. Harish Kumar Dhurwey W/o Sant Ram Dhurwey, Aged About 40 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Kotar, Janpad Panchayat Kawardha P.S. Pipariya, District Kawardha Chhattisgarh
3. Ramgopal Sahu, S/o Gaya Ram Sahu, Aged About 50 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Khamhi, Janpad Panchayat Kawardha P.S. Pipariya, District Kawardha Chhattisgarh
4. Kunj Bihari Hathile S/o Bhajram Hathile, Aged About 33 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Jarti, Janpad Panchayat Kawardha P.S. Pipariya, District Kawardha Chhattisgarh
5. Uttam Kumar Verma, S/o Jagannath Verma, Aged About 31 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Naudeeh Janpad Panchayat Kawardha P.S. Kawardha, District Kawardha Chhattisgarh
6. Ramchandra Sahu, S/o Prakash Sahu, Aged About 32 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Kothar, Janpad Panchayat Kawardha P.S. Kawardha District Kawardha Chhattisgarh
7. Smt. Usha Sahu, W/o Ramchandra Sahu, Aged About 30 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Dharampura, Janpad Panchayat Kawardha P.S. Kawardha District Kawardha Chhattisgarh
8. Mukesh Kumar Thakur S/o Goverdhan Singh Thakur Aged About 38 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Barbaspur, Janpad Panchayat Kawardha P.S. Kawardha District Kawardha Chhattisgarh
9. Umesh Kumar Thakur S/o Goverdhan Singh Thakur present Working As Assistant Teacher Panchayat At Govt. Primary School Kothar, Janpad Panchayat Kawardha P.S. Kawardha District Kawardha Chhattisgarh Aged About 32 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Ghuksa Janpad Panchayat Kawardha P.S. Kawardha District Kawardha Chhattisgarh
10. Kuleshwar Singh Rajput, S/o Rikhi Singh Rajput, Aged About 33 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Bano Janpad Panchayat Kawardha P.S. Pipariya District Kawardha Chhattisgarh
11. Smt. Niharika Srivastava, W/o Sandip Srivastava, Aged About 33 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Joratal Janpad Panchayat Kawardha P.S. Kawardha District Kawardha Chhattisgarh

12. Amar Chand Mohle S/o Vishaliram, Aged About 51 Years Present Working As Assistant Teacher Panchayat At Govt. Primary School Singhanpuri (Jarti) Janpad Panchayat Kawardha P.S. Kawardha District Kawardha 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, Kabirdham, Thorough Its Chief Executive Officer, District Kabirdham Chhattisgarh
4. Block Education Officer, Block Kawardha, District Kabirdham Chhattisgarh

---- Respondents

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