

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (S) No.3226 of 2016

Dewnath Singh S/o Shri Bharosh Ram, Aged About 33 Years Post Assistant Teacher Panchayat (Grade III), At Primary School Parsapara, Namna, P.S. And Tahsil Premnagar, District Surajpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, New Mantralay, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Educaiton Department, Mahanadi Bhawan, New Mantralay, District Raipur Chhattisgarh
3. The Collector, Surajpur, District Surajpur Chhattisgarh
4. The Chief Executive Officer, Zila Panchayat Surajpur, District Surajpur Chhattisgarh
5. The Block Education Officer, Premnagar, Block Surajpur, District Surajpur Chhattisgarh
6. Khrist Prafull Lakda, Occupation Shiksha Karmi Grade III, Government Middle School, Bojha, Block Pratappur, District Surajpur Chhattisgarh Sr. No 574 In Gradation List 2015
7. Vikram Singh, Occupation Shiksha Karmi Grade III, Government Middle School Kataroli, Block Premnagar, District Surajpur Chhattisgarh Sr. No 588 In Gradation List 2015
8. Smt. Manju Upadhyay, Occupation Shiksha Karmi Grade III, Government Middle School Ajirma, Block Surajpur, District Surajpur Chhattisgarh Sr. No. 653 In Gradation List 2015

---- Respondents

For Petitioner	:	Mr. Sunil Tripathi, 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 petitioner's case for promotion on the next higher post of Teacher (Panchayat).

2. Learned counsel for the petitioner submits that the petitioner is 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 petitioner has completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The petitioner enjoys a very high position in the seniority list and is therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioner for promotion.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioner 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 him 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 petitioner prefers representation, 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 representation.

Sd/-

(Manindra Mohan Shrivastava)
Judge