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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No.3224 of 2016**

1. Dayawan Nagesh S/o Shri Birjhu Singh Nagesh, Aged About 35 Years Assistant Teacher ( Panchayat ) At Govt. Girls Primary School, Dhobahar, P. S. & Block Marwahi, Civil & Revenue District Bilaspur (Chhattisgarh).
2. Sitaram Sahu, S/o Shri Sharda Prasad Sahu, Aged About 40 Years Assistant Teacher ( Panchayat ) At Govt. Primary School, Bagdi, P. S. & Block Marwahi, Civil & Revenue District Bilaspur (Chhattisgarh).
3. Smt. Anita Sahu, W/o Shri Shiv Charan Sahu, Aged About 34 Years Assistant Teacher ( Panchayat ) At Govt. Primary School, Silpahri, P. S. & Block Marwahi, Civil & Revenue District Bilaspur (Chhattisgarh).
4. Chhotu Singh Shyam S/o Shri Ram Lal Shyam, Aged About 43 Years Assistant Teacher ( Panchayat ) At Govt. Primary School Chalkatola Dandiya, P. S & Block Marwahi, Civil & Revenue District Bilaspur (Chhattisgarh).
5. Lavan Singh Karsal S/o Shri Mohar Sai Karsal, Aged About 40 Years Assistant Teacher ( Panchayat ) At Govt. Primary School, Chhinditola Khurpa, P. S. & Block Marwahi, Civil & Revenue District Bilaspur (Chhattisgarh).
6. Seema Tiwari D/o Shri Sitaram Tiwari, Aged About 32 Years Assistant Teacher ( Panchayat ) At Govt. Primary School, Juathal, P. S. & Block Marwahi, Civil & Revenue District Bilaspur (Chhattisgarh).
7. Durgesh Singh Shyam S/o Shri Kalyan Singh Shyam, Aged About 29 Years Assistant Teacher ( Panchayat ) At Govt. Primary School, Dongitola ( Salhekota ), P. S. & Block Marwahi, Civil & Revenue District Bilaspur (Chhattisgarh).

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. District Panchayat, Bilaspur, Through Its Chief Executive Officer, District Bilaspur (Chhattisgarh).
3. Janpad Panchayat, Marwahi, Through Its Chief Executive Officer, District Bilaspur (Chhattisgarh).
4. Block Education Officer, Block Marwahi, District Bilaspur (Chhattisgarh).

**---- Respondents**


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| For Petitioners      | : | Mr. A.S. Rajput, Advocate           |
| For Respondent-State | : | Mr. Dhiraj Wankhede, Govt. Advocate |

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**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**

Tiwari