

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3781 of 2016

- Smt. Kalpana Mulkalwar W/o Shri Sudhir Dandekar, Aged About 42 Years Assistant Teacher (Panchayat) At Govt. Primary School, Hirri, Block Dhamdha, Civil & Revenue Distt. Durg, (Chhattisgarh)

---- Petitioner

Versus

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

---- Respondents

For Petitioner : Mr. A.S. Rajput, Advocate
For State : Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

16/08/2016

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