

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3999 of 2016**

1. Jitendra Kumar Chandrakar S/o Purusottam Lal Chandrakar, Aged About 30 Years Assistant Teacher (Panchayat) At Govt. Primary School, Junadih (Bansivni), Block- Mahasamund, District Mahasamund, (Chhattisgarh)
2. Dushyant Kumar Sinha, S/o Ghana Ram Sinha, Aged About 39 Years Assistant Teacher (Panchayat), At Govt. Primary School, Lohardih, Block Mahasamund, District Mahasamund, (Chhattisgarh)
3. Jitendra Kumar Sinha S/o Shri Babulal Sinha, Aged About 35 Years Assistant Teacher (Panchayat) At Govt. Primary School, Lohardih, Block Mahasamund, District Mahasamund (Chhattisgarh)
4. Tarendra Kumar Chandrakar S/o Mohan Lal Chandrakar, Aged About 31 Years Assistant Teacher (Panchayat) At Govt. Primary School, Badgaon, Block Mahasamund, District Mahasamund (Chhattisgarh)
5. Yogesh Kumar Nirmalkar S/o Heera Lal Nirmalkar, Aged About 31 Years Assistant Teacher (Panchayat) At Govt. Primary School, Nawagaon, Block Mahasamund, District Mahasamund (Chhattisgarh)
6. Parasram Nishad S/o Shri Hajari Ram Nishad, Aged About 32 Years Assistant Teacher (Panchayat) At Govt. Primary School, Sindhi, Block Mahasamund, District Mahasamund (Chhattisgarh)
7. Anita Chandrakar W/o Dev Chandrakar, Aged About 35 Years Assistant Teacher (Panchayat) At Govt. Primary School, Ramkheda, Block Mahasamund, District Mahasamund (Chhattisgarh)
8. Shobharam Sahu S/o Kheduram Sahu, Aged About 31 Years Assistant Teacher (Panchayat) At Govt. Primary School, Joba, Block Mahasamund, District Mahasamund (Chhattisgarh)
9. Smt. Purnima Dadsena (Now Sinha) W/o Jitendra Kumar Sinha, Aged About 29 Years Assistant Teacher (Panchayat) At Govt. Primary School, Paraskol, Block Mahasamund, District Mahasamund (Chhattisgarh)
10. Tarun Kumar Marai S/o Shri Gandhut Ram Marai, Aged About 34 Years Assistant Teacher (Panchayat) At Govt. Primary School, Pendradih, Block Mahasamund, District Mahasamund (Chhattisgarh)
11. Dhaniram Dhruv S/o Shri Shivram Dhruv, Aged About 33 Years Assistant Teacher (Panchayat) At Govt. Primary School, Parsadih, Block Mahasamund, District Mahasamund (Chhattisgarh)

12. Ku. Sarita Sahu W/o Tulashram Sahu, Aged About 30 Years Assistant Teacher (Panchayat) At Govt. Primary School, Pidi, Block Mahasamund, District Mahasamund (Chhattisgarh)
13. Smt. Bhagwati Sonwani (Now Gayakwad) W/o Shri Jeewan Gayakwad, Aged About 30 Years Assistant Teacher (Panchayat) At Govt. Primary School, Patewa, Block Mahasamund, District Mahasamund (Chhattisgarh)
14. Jagmohan Lal Patel S/o Shri Chhabilal Patel, Aged About 31 Years Assistant Teacher (Panchayat) At Govt. Primary School, Tenduwahi, Block Mahasamund, District Mahasamund (Chhattisgarh)
15. Omprakash Sahu S/o Shri Ratnuram Sahu, Aged About 36 Years Assistant Teacher (Panchayat) At Govt. Primary School, Tenduwahi, Block Mahasamund, District Mahasamund (Chhattisgarh)
16. Kamalnarayan Yadav S/o Ganeshu Ram Yadav, Aged About 34 Years Assistant Teacher (Panchayat) At Govt. Primary School, Bhawa, Block Mahasamund, District Mahasamund (Chhattisgarh)
17. Krishna Kumar Diwan S/o Shri Netram Diwan, Aged About 34 Years Assistant Teacher (Panchayat) At Govt. Primary School, Pachpedi Nawagaon, Block Mahasamund, District Mahasamund (Chhattisgarh)
18. Smt. Rekha Dhruv W/o Shri Gokulram Dhruv, Aged About 31 Years Assistant Teacher (Panchayat) At Govt. Primary School, Junadih (Raitum), Block Mahasamund, District Mahasamund (Chhattisgarh)
19. Rohit Kumar Dhruv S/o Shri Panchram Dhruv, Aged About 37 Years Assistant Teacher (Panchayat) At Govt. Primary School, Manpur, Block Mahasamund, District Mahasamund (Chhattisgarh)
20. Smt. Shobha Joshi (Now Sontake) W/o Shri Lalit Kumar Sontake, Aged About 32 Years Assistant Teacher (Panchayat) At Govt. Primary School, Bamhani, Block Mahasamund, District Mahasamund (Chhattisgarh)
21. Devendra Mirhe S/o Shri K. R. Mirche, Aged About 32 Years Assistant Teacher (Panchayat) At Govt. Primary School, Lohardih, Block Mahasamund, District Mahasamund (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt Raipur, (Chhattisgarh)
2. District Panchayat, Mahasamund, Through Its Chief Executive Officer, Distt. Mahasamund (Chhattisgarh)

3. Janpad Panchayat, Mahasamund, Through Its Chief Executive Officer, Distt. Mahasamund (Chhattisgarh)
4. Block Education Officer, Block Mahasamund, Distt. Mahasamund (Chhattisgarh)

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

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

23/08/2016

1. Heard on admission.

2. 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).

3. 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 is therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioners for promotion.

4. 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 them in accordance to seniority.

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

6. 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 representation.

Sd/-

(Manindra Mohan Shrivastava)
Judge