

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5032 of 2016

1. Jagdev Sai S/o Shri Bodha Sai, Aged About 40 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Ledebandh, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
2. Anita Bai, W/o Shri Narendra Kumar, Aged About 34 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School (Ashram), Charaidand, Thana + Block- Duldula, Distt. Jashpur (Chhattisgarh)
3. Anil Kujur, S/o Shri Bashil Kujur, Aged About 33 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Pandari Amba, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
4. Saraswati Jagat, W/o Shri Muresh Ram Jagat, Aged About 35 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Sapghara, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
5. Shanta Sai, D/o Shri Maheshwar Prashad Sai, Aged About 33 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Bagbudi, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
6. Surendra Ram Yadav, S/o Shri Gopal Ram Yadav, Aged About 35 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Kadamtoli, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
7. Smt. Manisha Bai, D/o Shri Kisun Sai, Aged About 35 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Simda, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
8. Bimla Das, W/o Shri Budhram Das, Aged About 33 Years Working As Shikshak Panchayat, Grade- III, Presently Posted On Primary School Dandpani, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
9. Sangita Xalxo, D/o Shri Jagdish Xalxo, Aged About 35 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Dipatoli, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
10. Birendra Beck, S/o Shri Marsel Beck, Aged About 35 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Nonpani, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
11. Rajendra Ram, S/o Shri Ramcharan Ram, Aged About 43 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Bangaon, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)

12. Anandit Kerketta, W/o Shri Lajrus Ekka, Aged About 40 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Turri , Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
13. Mo. Yasir Irphan, S/o Shri Anul Haq Aged About 40 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Duldula , Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
14. Mamta Kayta, D/o Shri Tiri Ram Kayta, Aged About 35 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Pandari Amba, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)
15. Gouri Shankar Sao, S/o Shri Samudra Sao, Aged About 35 Years Working As Shikshak Panchayat Grade- III, Presently Posted On Primary School Dobh, Thana + Block Duldula, Distt. Jashpur, (Chhattisgarh)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through: The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Jashpur, Distt. Jashpur, (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Duldula, Distt. Jashpur, (Chhattisgarh)
4. Block Education Officer, Duldula, Distt. Jashpur, (Chhattisgarh)

---- **Respondents**

For Petitioners	: Shri Somkant Verma, Advocate
For Respondent-State	: Shri R.K. Gupta, Dy. A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/09/2016

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 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