

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4822 of 2016

1. Jagmohan Ram Sahu S/o Shri Jagdish Prasad Sahu, Aged About 41 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Nichepara, Block Devghag, District Gariyaband, (Chhattisgarh)
2. Shekh Edu, S/o Shri Babuu Shekh, Aged About 46 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Gahnamuda, Block Devbhag, District Gariyaband, (Chhattisgarh)
3. Tanuj Kumar Soni, S/o Shri Sukhru Ram Soni, Aged About 45 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Nayapara, Block Devbhag, District Gariyaband, (Chhattisgarh)
4. Parikshit Pandey, S/o Shri Somaru Prasad Pandey, Aged About 51 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Tetalpara, Block Devbhag, District Gariyaband, (Chhattisgarh)
5. Tamkeshwar Nayak , S/o Shri Sadan Ram Nayak,, Aged About 38 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Bandpara, Block Devbhag, District Gariyaband, (Chhattisgarh)
6. Tulsi Das Vaishnav, S/o Shri Rajendra Das, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Adarpara, Block Devbhag, District Gariyaband, (Chhattisgarh)
7. Anil Kumar Sinha, S/o Shri Jai Singh Sinha, Aged About 38 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Kurlapara, Block Devbhag, District Gariyaband, (Chhattisgarh)
8. Jaisingh Pandey, S/o Shri Domna Dhara Pandey, Aged About 48 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Dahigaon, Block Devbhag, District Gariyaband, (Chhattisgarh)
9. Chandrashekhar Kunjam, S/o Shri Balram Kunjam, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Mandagaon, Block Devbhag, District Gariyaband, (Chhattisgarh)
10. Sunil Kumar Agrawal, S/o Shri Ramavtar Agrawal, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Tendupati, Block Devbhag, District Gariyaband, (Chhattisgarh)
11. Smt. Nivedita Behra, W/o Shri Mahendra Behra, Aged About 36 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Devghog, Block Devbhag, District Gariyaband, (Chhattisgarh)
12. Virendra Kumar Sonwani, S/o Lacchhiram Sonwani, Aged About 46 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Tuwasamal, Block Devbhag, District Gariyaband, (Chhattisgarh)
13. Ramesh Kumar Thakur, S/o Anup Singh Thakur, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Barpa5ra, Block Devbhag,

District Gariyaband, (Chhattisgarh)

14. Chandilal Yadav, S/o N.S. Yadav, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Gohrapadar, Block Devbhag, District Gariyaband, (Chhattisgarh)
15. Smt. Parwati Sethi, W/o Dolamani Sethi, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School Padepara, Block Devbhag, District Gariyaband, (Chhattisgarh)
16. Jayanti Baghel, D/o Roopchand Baghel, Aged About 39 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Padepara, Block Devbhag, District Gariyaband, (Chhattisgarh)
17. Kuntesh Kashyap, S/o Arkhit Ram Kashyap, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Fudelpara, Block Devbhag, District Gariyaband, (Chhattisgarh)
18. Smt. Tara Bariha, W/o Jagmohan Bariha, Aged About 40 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Mungihar, Block Devbhag, District Gariyaband, (Chhattisgarh)
19. Rustam Yadu, S/o Musruram Yadu, Aged About 44 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Chingrabhata, Block Devbhag, District Gariyaband, (Chhattisgarh)
20. Sachendra Sahu, S/o Raghulal Sahu, Aged About 38 Years Working As Assistant Teacher (Panchayat) At Govt. Primary School, Tadipara, Block Devbhag, District Gariyaband, (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. District Panchayat, Gariyaband, Through Its Chief Executive Officer, District Gariyaband, (Chhattisgarh)
3. Janpad Panchayat, Devbhog, Through Its Chief Executive Officer, District Gariyaband, (Chhattisgarh)
4. Block Education Officer, Block Devbhog, District Gariyaband, (Chhattisgarh)

---- Respondents

Shri A.S.Rajput, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/09/2016

Heard on admission.

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 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 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 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**