

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5102 of 2016**

1. Vidyadhar Sao S/o Shri Ravishankar Sao, Aged About 41 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Devari Sankul Chimarkel, R/o Village Devari, Block & Thana Basana, Revenue & Civil District Mahasamund, (Chhattisgarh)
2. Kameshwar Prasad Soni, S/o Shri Baldev Prasad Soni, Aged About 42 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Kenvtrapali Sankul, Gadhpheeljhar, R/o Village Kevarapali, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
3. Maganlal Nayak, S/o Kanwalsingh Nayak, Aged About 43 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Ankori, Sankul Ankuri, R/o Village Ankori, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
4. Jagsini Ghoi, S/o Shri Bharat Bhoi, Aged About 31 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Bhanwarpur, Sankul Bhanwarpur, R/o Village Bhanwarpur Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
5. Smt. Satyabhama Kumar, S/o Surat Kumar, Aged About 46 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Gadhpheeljhar Sankul Gadhpheeljhar, R/o Village Devari, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
6. Bairagi Barik, S/o Shri Ganga Ram Barik, Aged About 42 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Thuthapali, Sankul Bhanwarpur, R/o Village Bhanwarpur, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
7. Sharan Kumar Das, S/o Shri Bardas Rajan, Aged About 35 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Gadhpheeljhar Sankul Gadhpheeljhar, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
8. Prasann Pradhan, S/o Shri Ranjeet Pradhan, Aged About 33 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Baradoli, Sankul Baradoli, R/o Vilalge Baradoli, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
9. Rupesh Kumar Bisi, S/o Shri Goverdhan Bisi, Aged About 41 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Baradoli, Sankul Baradoli, R/o Village Baradoli, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
10. Sindhu Kumar Nag, S/o Shri Pyari Lal Nag, Aged About 37 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Kankori, Sankul Ankori, R/o Village Ankori, Block & Thana Basna, Revenue & Civil District Mahasamund (Chhattisgarh)
11. Gokul Prasad Nand, S/o Shri Shankar Lal Nand, Aged About 40 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Gadhpheeljhar Sankul Gadhpheeljharr/o Village

Gadhphooljhar, Block & Thana Basna, Revenue & Civil District
Mahasamund (Chhattisgarh)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat, Gramin Vikas Vibhag, Mantralaya, Naya Raipur, (Chhattisgarh)
2. Director, Panchayat, Sanchanalaya Chhattisgarh, Indrawatibhawan, Naya Raipur, (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat, Mahasamund, District Mahasamund, (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Basna, District Mahasamund, (Chhattisgarh)
5. Collector, Mahasamund, District Mahasamund, (Chhattisgarh)
6. District Education Officer, Mahasamund, District Mahasamund, (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Mr. Rajendra Kumar Patel, Advocate
For State	:	Mr. D.R. Minj, Dy. Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/09/2016

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 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