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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5050 of 2016**

1. Smt. Kriti Gurjar W/o Shri Awadh Kumar Gurjar, Aged About 33 Years Presently Working On The Post Of Assistant Teacher (Panchayat) Govt. Primary School, Sukhnaiyapara, Block- Odagi, Distt. Surajpur, (Chhattisgarh)
2. Smt. Suniti Kushwaha, W/o Shri Surendra Kushwaha, Aged About 38 Years Presently Working On The Post Of Assistant Teacher (Panchayat), Govt. Primary School Nalapara (Pakani), Block- Odagi, Distt. Surajpur, (Chhattisgarh)
3. Ramsharan Singh,, S/o Shri Jhabu Ram, Aged About 48 Years Presently Working On The Post Of Assistant Teacher (Panchayat) Govt. Primary School Langhitari (Chendra), Block- Odagi, Distt. Surajpur, (Chhattisgarh)
4. Smt. Shanti Singh, W/o Shri Kritpal, Aged About 36 Years Presently Working On The Post Of Assistant Teacher (Panchayat) Govt. Primary School Saraipara (Indarpur), Block- Odagi, Distt. Surajpur, (Chhattisgarh)
5. Bhaiyalal Yadav, S/o Shri Praduman Yadav, Aged About 42 Years Presently Working On The Post Of Assistant Teacher (Panchayat) Govt. Primary School Saraipara, (Indarpur), Block Odagi, Distt. Surajpur, (Chhattisgarh)
6. Jagarnath Singh, S/o Late Agar Sai, Aged About 39 Years Presently Working On The Post Of Assistant Teacher (Panchayat), Govt. Primary School Khodhiyapara (Paldanouli), Block Odagi, Distt. Surajpur, (Chhattisgarh)
7. Suresh Kumar Klushwaha, S/o Shri Prem Sai Kushwaha, Aged About 42 Years Presently Working On The Post Of Assistant Teacher (Panchayat), Govt. Primary School Murmapara (Chpada) Block- Odagi, Distt. Surajpur, (Chhattisgarh)

---- Petitioners**Versus**

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

---- Respondents

For Petitioners	:	Mr. A.N. Pandey, Advocate
For Respondent-State	:	Mr. Shangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

22/09/2016

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 Teachers (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 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 their 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 representations.

Sd/-

(Manindra Mohan Shrivastava)
Judge