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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 6102 of 2016**

1. Krishna Das S/o Late Shri Thakurdas, Aged About 32 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Kanwalgiri, R/o Village Kanwalgiri, Thana Udaypur, District Surguja, (Chhattisgarh)
2. Girish Prajesh, S/o Shri Satishchandra Prajesh, Aged About 34 Years Occupation Assistant Teacher Panchayat, Govt. Primary School, Aamadugu, R/o Village Aamadugu, Thana Udaypur, District Surguja, (Chhattisgarh)
3. Hariyanarayan Yadav, S/o Shri Ramchandra Yadav, Aged About 33 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Bhusadipara, R/o Village Bhusadipara, Thana Udaypur, District Surguja, (Chhattisgarh)
4. Rajendra Kumar Yadav, S/o Shri Goverdhan Yadav, Aged About 37 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Parsa, R/o Village Parsa, Thana Udaypur, District Surguja (Chhattisgarh)
5. Anup Ranjan Soni, S/o Shri Chandrika Prasad Soni, Aged About 30 Years Occupation Assistant Teacher Panchayat, Govt. Primary School Khasparabule, R/o Village Khasparabule, Thana Udaypur, District Surguja, (Chhattisgarh)

---- Petitioners**Versus**

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

---- Respondents

For Petitioners	:	Shri Abdul Wahab Khan, Advocate.
For Respondents/State	:	Smt. Astha Shukla, PL

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/11/2016

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 is 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 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/-

(Sanjay K. Agrawal)
Judge

