

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4727 of 2016

1. Ranu Tiwari @ Ranu Mishra W/o Abhishek Mishra, Aged About 36 Years Posted As Assistant Teacher Panchayat At Govt. Girls Primary School, Kumhari, Post Marwahi, District Bilaspur Chhattisgarh
2. Suhashini Mishra W/o Shri Surya Pratap Mishra, Aged About 30 Years Posted As Assistant Teacher Panchayat At Govt. Girls Primary School, Kumhari, Post Marwahi, District Bilaspur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development, Department, Mantralaya, Mahandi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. District Panchayat, Bilaspur Through its Chief Executive Officer, District Bilaspur Chhattisgarh
3. Janpad Panchayat, Marwahi, Through its Chief Executive Officer, District Bilaspur Chhattisgarh
4. District Education Officer, Bilaspur, District Bilaspur Chhattisgarh
5. Block Education Officer, Block Marwahi, District Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Atanu Ghosh, Advocate
For State	:	Shri Bhaskar Payashi, Panel Lawyer

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

Order On Board

14/09/2016

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