

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3977 of 2016**

1. Chandra Prabhash Rathore S/o Shri Bhagirathi Rathore, Aged About 30 Years (Wrongly Mentioned Chandra Prakash In The Gradation List) Assistant Teacher Panchayat At Govt. Primary School Choriya, P.S. Saragaon, Block Bamhnidih, Civil & Revenue District Janjgir Champa Chhattisgarh
2. Onkar Prasad Uranw S/o Shri Bhodhiram, Aged About 46 Years Assistant Teacher Panchayat Panchayat At Govt. Primary School Choriya, P.S. Saragaon, Block Bamhnidih, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. District Panchayat, Janjgir, Through Its Chief Executive Officer, District Janjgir Champa Chhattisgarh
3. Janpad Panchayat, Bamhnidih, Through Its Chief Executive Officer, District Janjgir Champa Chhattisgarh
4. Block Education Officer, Block Bamhnidih, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioners	:	Mr. A.S. Rajput, Advocate
For Respondent-State	:	Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.
Order on Board

23/08/2016

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 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.

4. Learned counsel for the State submits that this grievance can be ventilated by the petitioner 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 them 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 representation.

Sd/-

(Manindra Mohan Shrivastava)
Judge