

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3690 of 2016

Rameshwar Prasad Banjare S/o Bhagirathi Banjare, Aged About 40 Years Shikshak Panchayat Shiksha Karmi Grade II, Govt Middle School, Andiyarkhor, Nawagarh, District Bemetara Chhattisgarh
Civil District Durg Revenue District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Collector, Bemetara District Bemetara Chhattisgarh
3. Chief Executive Officer, Jila Panchayat Bemetara Chhattisgarh
4. Head Master, Middle School, Andiyarkhor, Nawagarh, District Bemetara Chhattisgarh

---- Respondents

For Petitioner : Mr. A.K. Prasad, Advocate
For State : Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/08/2016

Heard.

1. The grievance of the petitioner is that the petitioner is eligible and within the zone of consideration for the promotion on the next higher post of Lecturer (Panchayat).
2. Learned counsel for the petitioner submits that the petitioner is in public employment with avenue of promotion provided under the Government recruitment rules known as Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012. It is submitted that though large number of posts are lying vacant, promotions are not being held.
3. If the posts are available, the petitioner is within the zone of consideration, the case of the petitioner along with all the other eligible candidates as per the available vacancy should be considered by the competent authority in the matter.

4. In the case of **Delhi Jal Board Vs. Mahinder Singh, (2000) 7 SCC 210**, it has been held that right to be considered for promotion according to the Rules subject to availability of a vacancy is a fundamental right. Therefore, in these circumstances, at this stage, the petition is disposed off with a direction to respondent No.1 to examine the matter identifying vacancies and then to initiate the process of consideration of promotion of the petitioner and other eligible candidates on the available vacant posts as per the rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha