

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3568 of 2016**

1. Ramesh Kumar Shyam S/o Shri Rajaram Shyam, Aged About 47 Years Assistant Teacher (Panchayat) At Govt. Primary School, Bagrar, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
2. Smt. Shashikala Wakrey, W/o Late Shri Mahipal Singh Wakrey, Aged About 37 Years Assistant Teacher (Panchayat), At Govt. Primary School Majhganwa, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
3. Vijay Kumar Prajapati, S/o Shri Prabhudayal Prajapati, Aged About 36 Years Assistant Teacher (Panchayat) At Govt. Primary School, Sekhwa, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
4. Smt. Asha Kashipuri, D/o Shri Neel Bahadur Kashipuri, Aged About 39 Years Assistant Teacher (Panchayat) At Govt. Primary School, Khamariyatola (Mahora), Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
5. Smt. Ganeshiya Onten, W/o Shri Braj Kumar Onten, Aged About 41 Years Assistant Teacher (Panchayat) At Govt. Primary School, Kherwatola, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
6. Shankar Prasad Prajapati, S/o Shri Ishwardeen Prajapati, Aged About 38 Years Assistant Teacher (Panchayat) At Govt. Primary School, Indira Awas Sekhawa, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
7. Kewal Singh Maravi, S/o Shri Gautam Singh Maravi, Aged About 43 Years Assistant Teacher (Panchayat), At Govt. Primary School, Bachchhapara (Madai), Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
8. Pram Singh Sarote, S/o Shri Gautam Singh Maravi, Aged About 43 Years Assistant Teacher (Panchayat) At Govt. Primary School, Bachchhapara (Madai), Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
9. Deepchand Gupta, S/o Shri Ramesh Kumar Gupta, Aged About 30 Years Assistant Teacher (Panchayat) At Govt. Primary School, Ko0tnantola Dongariya, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
10. Avan Singh Maravi, S/o Shri Jaipal Singh Maravi, Aged About 34 Years Assistant Teacher (Panchayat) At Govt. Primary School, Bachchhapara (Madai), Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
11. Smt. Ramvati Gupta, D/o Shri Shambhu Prasad Gupta, Aged About 30 Years Assistant Teacher (Panchayat) At Govt. Primary School, Sekhwa, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)
12. Smt. Deena Tandiya, W/o Shri Sanjay Tandiya, Aged About 32 Years Assistant Teacher (Panchayat) At Govt. Primary School, Majhaganwa, Block Marwahi, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. District Panchayat, Bilaspur, Through Its Chief Executive Officer, Distt. Bilaspur, (Chhattisgarh)
3. Janpad Panchayat, Marwahi, Through Its Chief Executive Officer, Distt. Bilaspur, (Chhattisgarh)
4. Block Education Officer, Block Marwahi, Distt. Bilaspur, (Chhattisgarh)

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For Petitioners	:	Mr. A.S. Rajput, Advocate
For Respondent-State	:	Mr. S.P. Kale, Deputy Advocate General

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

10/08/2016

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 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 them 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/-

(Manindra Mohan Shrivastava)
Judge