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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4576 of 2016

1. Shivnath Lahre S/o Shri Ramgilas Lahre, Aged About 35 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Baira, Police Station Pasan, Block Podi- Uroda, District Korba, (Chhattisgarh)
2. Mahendra Kumar Armo, S/o Manrakhan Singh Armo, Aged About 42 Years Working As Assistant Teacher, (Panchayat), Govt. Primary School, Karri, Block Podi- Uroda, District Korba, (Chhattisgarh)
3. Smt. Nirmala Kujur (Now Minj), W/o Manoj Kumar Minj, Aged About 35 Years Working As Assistant Teacher (Panchayat), Primary School, Teliyamar, Block Podi- Uroda, District Korba, (Chhattisgarh)
4. Bhuneshwar Singh Uike, S/o Shri Gopal Singh Uike, Aged About 35 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Baghindand, Block Podi- Uroda, District Korba, (Chhattisgarh)
5. Rajesh Kumar Choudhary, S/o Jiyalal Choudhary, Aged About 39 Years Working As Assistant Teacher (Panchayat) Govt. Primary School, Bahrijhorki, Block Podi- Uroda, District Korba, (Chhattisgarh)
6. Fulsingh Sindram, S/o Roopsingh, Aged About 47 Years Working As Assistant Teacher (Panchayat) Govt. Primary School, Panchvatipara, Block Podi- Uroda, District Korba, (Chhattisgarh)
7. Jairam Yadav, S/o Bhawsingh Yadav, Aged About 39 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Nawapara, Block Podi- Uroda, District Korba, (Chhattisgarh)
8. Smt. Arti Gupta, W/o Satish Prasad, Aged About 40 Years Working As Assistant Teacher (Panchayat) Govt. Primary School, Darripara, Block Podi- Uroda, District Korba, (Chhattisgarh)
9. Smt. Mamta Gupta (Now Halwai), W/o Manish Halwai, Aged About 46 Years Working As Assistant Teacher (Panchayat) Govt. Primary School, Dongripara, Block Podi- Uroda, District Korba, (Chhattisgarh)
10. Pitambar Lal Daharwal, S/o Bodhanlal Daharwal, Aged About 44 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Dongripara (Khodri), Block Podi-Uroda, District Korba, (Chhattisgarh)
11. Mana Singh Meshra, S/o Shri Samlal Meshram, Aged About 42 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Tarainar, Police Station Pasan, Block Podi- Uroda, District Korba, (Chhattisgarh)

12. Smt. Najnin Begam Khan, W/o Abdul Matin Khan, Aged About 34 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Pasan, Block Podi-Uproda, District Korba, (Chhattisgarh)
13. Smt. Kripa Kusum Tirkey (Now Minj) W/o Krushdhar Minj, Aged About 41 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Bundelipara, Block Podi- Uproda, District Korba, (Chhattisgarh)
14. Gopal Singh Pottam, S/o Bhanwar Singh Pottam, Aged About 40 Years Working As Assistant Teacher (Panchayat), Govt. Primary School, Sarismar, Block Podi- Uproda, District Korba, (Chhattisgarh)

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. District Panchayat, Korba, Through Its Chief Executive Officer, District Korba, (Chhattisgarh)
3. Janpad Panchayat, Podi-Uproda, Through Its Chief Executive Officer, District Korba, (Chhattisgarh)
4. Block Education Officer, Block Podi- Uproda, District Korba, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri A.S. Rajput, Advocate
For Respondent-State	:	Shri Dheeraj Wankhede, G.A.

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

Order On Board

07/09/2016

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 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 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