

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5507 of 2016

1. Rameshwar Darro S/o. Shri Pingal Ram Darro. Aged About 31 Years Assistant Teacher (Panchayat), Govt. Primary School Dallidih, Post And Thana Charama, District Kanker (Chhattisgarh)
2. Bihari Lal Korram, S/o. Shri Ranjan Singh, Aged About 32 Years Assistant Teacher (Panchayat), Govt. Primary School Navin Aroud, Post And Thana Charama, District Kanker (Chhattisgarh)
3. Smt. Santoshi Shori, W/o. Shri H. K. Shori, Aged About 30 Years Assistant Teacher (Panchayat), Govt. Primary School Sadakpara, Ratesara, Post And Thana Charama, District Kanker (Chhattisgarh)
4. Dinesh Kumar Gajbhiye S/o Shri T. C. Gajbhiye, Aged About 32 Years Assistant Teacher (Panchayat), Govt. Primary School Manjhipara Tuagahan, Post And Thana Charama, District Kanker (Chhattisgarh)
5. Indu Lal Kange S/o Shri K. R. Kange, Aged About 46 Years Assistant Teacher (Panchayat), R/o Village & Post Storepara, Markatola, Thana Charama, District Kanker (Chhattisgarh)
6. Smt. Rupai Kange. W/o. Shri K. L. Kange. Aged About 32 Years Assistant Teacher (Panchayat), Govt. Primary School Jangalpara Markatola, Post And Thana Charama, District Kanker (Chhattisgarh)
7. Babulal Bhediya S/o. Shri S. R. Bhediya, Aged About 33 Years Assistant Teacher (Panchayat), Govt. Primary School Amapara Badegouri, Post And Thana Charama, District Kanker (Chhattisgarh)
8. Smt. Anita Bhediya. W/o Shri B. L. Bhediya, Aged About 31 Years Assistant Teacher (Panchayat), Govt. Primary School Gaytapara Upkuda, Post And Thana Charama, District Kanker (Chhattisgarh)
9. Shamsunder Jurri. S/o. Shri B. R. Jurri, Aged About 36 Years Assistant Teacher (Panchayat), Govt. Primary School Tahakapar, Post And Thana Charama, District Kanker (Chhattisgarh)
10. Smt. Asha Jurri. W/o. Shri S. S. Jurri. Aged About 32 Years Assistant Teacher (Panchayat), Govt. Primary School Kanapond, Post And Thana Charama, District Kanker (Chhattisgarh)
11. Madhaw Ram Patel, S/o Shri Gruram Patel, Aged About 31 Years Assistant Teacher (Panchayat), Govt. Primary School Mawlipara Kotela, Post And Thana Charama, District Kanker (Chhattisgarh)
12. Tikam Singh Sahu. S/o. Shri H. C. Sahu. Aged About 45 Years Assistant Teacher (Panchayat), Govt. Primary School Aamapara Kurubhat, Post And Thana Charama, District Kanker (Chhattisgarh)
13. Smt. Gitanjali Netam. W/o. Shri Dinesh Netam. Aged About 32 Years Assistant Teacher (Panchayat), Girls Ashram Halba, Post And Thana Charama, District

Kanker (Chhattisgarh)

14. Dhani Ram Netam. S/o. Shri Asha Ram Netam Aged About 34 Years Assistant Teacher (Panchayat), Govt. Primary School Telguda, Post And Thana Charama, District Kanker (Chhattisgarh)
15. Thakur Ram Kodopi, S/o. Shri Johan Ram Kodopi, Aged About 34 Years Assistant Teacher (Panchayat), Govt. Primary School Boirpara (Gandagauri), Post And Thana Charama, District Kanker (Chhattisgarh)
16. Maheshwar Kotpariya, S/o. Shri Makhan Lal Kotpariya, Aged About 33 Years Assistant Teacher (Panchayat), Govt. Primary School Awaspara Puri, Post And Thana Charama, District Kanker (Chhattisgarh)
17. Rajesh Kumar Netam. S/o Shri Kanwlu Ram Netam. Aged About 35 Years Assistant Teacher (Panchayat), Govt. Primary School Pathharipara Badegouri, Post And Thana Charama, District Kanker (Chhattisgarh)
18. Rajendra Kumar Mandavi S/o Shri A. R. Mandavi, Aged About 35 Years Assistant Teacher (Panchayat), Govt. Primary School Khaudanpara Khairwahi, Post And Thana Charama, District Kanker (Chhattisgarh)
19. Santanu Ram Sinha. S/o Shri G. R. Sinha, Aged About 35 Years Assistant Teacher (Panchayat), Govt. Primary School Storepara Markatola, Post And Thana Charama, District Kanker (Chhattisgarh)
20. Santosh Kumar Mandavi S/o. Shri K. R. Mandavi, Aged About 40 Years Assistant Teacher (Panchayat), Govt. Primary School Hinganjhar, Post And Thana Charama, District Kanker (Chhattisgarh)
21. Ku. Mamta Dhruw. D/o Shri. B. B. Dhruw, Aged About 31 Years Assistant Teacher (Panchayat), Govt. Primary School Kotela, Post And Thana Charama, District Kanker (Chhattisgarh)
22. Khamman Lal Kange. S/o. Shri R. N. Kange. Aged About 33 Years Assistant Teacher (Panchayat), Govt. Primary School Khairwahi, Post And Thana Charama, District Kanker (Chhattisgarh)
23. Ku. Dharna Bhojwani. D/o. Shri H. L. Bhojwani, Aged About 31 Years Assistant Teacher (Panchayat), Govt. Primary School Amapara Badegouri, Post And Thana Charama, District Kanker (Chhattisgarh)
24. Awadh Ram Nishad. S/o. Shri R. S. Nishad, Aged About 31 Years Assistant Teacher (Panchayat), Govt. Primary School Udkuda (Gaytapara), Post And Thana Charama, District Kanker (Chhattisgarh)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through : The Secretary, Panchayat And Rural Development, Department, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. Chief Executive Officer, Zila Panchayat, Kanker, District Kanker (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat, Charama, District Kanker (Chhattisgarh)

4. Block Education Officer, Charama, District Kanker (Chhattisgarh)

---- Respondents

Shri Manoj Chauhan, counsel for the petitioner/s.
Shri S.P. Kale, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2016

Heard on admission.

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**

Deepti