

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 5392 of 2016**

1. Bachchal Lal Chakradhari S/o Ramkumar Chakradhari, Aged About 40 Years Teacher Posted at Primary School Barpali ( Barhol ) District - Surajpur Chhattisgarh
2. Shakuntala Rajwade, D/o Lalanram Aged About 32 Years Teacher Posted at Primary School Dugupara, Post Ramanujnagar District Surajpur Chhattisgarh
3. Anju Gupta, W/o Ramchandra Gupta, Aged About 41 Years Teacher Posted At Primari Girls School Ramanujnagar, District Surajpur Chhattisgarh
4. Mamta Patel D/o Naresh Kumar Patel, Aged About 34 Years Teacher Posted At Primary School Dugupara Post Ramanujnagar, District Surajpur Chhattisgarh
5. Ranu Sharma W/o Vinay Sharma, Aged About 32 Years Teacher Posted At Teacher Posted At Primari School Krishnapur, District Surajpur Chhattisgarh
6. Kunti Kujur, W/o Filiyus Kujur, Aged About 33 Years Teacher Posted At Primary School Asnapara Bharhamuda, Post Krishnapur District Surajpur Chhattisgarh
7. Ramkali Kujur W/o Nirangan Bhagar, Aged About 35 Years Teacher Posted At Primary School Rajwaripara Post Devnagar District Surajpur Chhattisgarh
8. Ganga Devi W/o Bhupendra Prasad Aged About 37 Years Teacher Posted At Primary School Parsapara, Maza Post Sarbhoka District Surajpur Chhattisgarh
9. Nitu Vaishy, W/o Munna Lal Vaishy, Aged About 49 Years Teacher Posted At Primary School Dugupara Post Ramanujnagar, District Surajpur Chhattisgarh
10. Laxminarayan Rajwade, S/o Ratanram Aged About 45 Years Teacher Posted At Primary School Khuthanpara ( Piwari ) Post Ramanujnagar, District Surajpur Chhattisgarh
11. Sumer Say, S/o Brijlal Aged About 42 Years Teacher Posted At Primary School Bharuhapara ( Dawna ) Post Katrapali, District Surajpur Chhattisgarh
12. Karmendra Singh S/o Ghasiram Aged About 47 Years Teacher Posted At Primary School Khalpara, Post Patrapali, District Surajpur Chhattisgarh
13. Sacchidanand Dubey S/o Parsuram Dubey, Aged About 42 Years Teacher Posted At Primary School Chaparpara Post Patrapali, District Surajpur Chhattisgarh
14. Sarita Sahu W/o Rajeev Kumar Sahu, Aged About 42 Years Teacher Posted At Primary School Pondi Post Tejpur, District Surajpur Chhattisgarh

15. Mamta Shukla W/o Rakesh Shukla, Aged About 39 Years Teacher  
Posted At Primary School Samapara Portha Post Jarhi, District  
Surajpur Chhattisgarh
16. Niranjana Kuswaha S/o Dharmjeet Aged About 45 Years Teacher  
Posted At Primary School Narmadapara Bhuwaneshwarpur Post  
Narayanpur, District Surajpur Chhattisgarh
17. Ravishankar Sahu, S/o Ramkripal Sahu, Aged About 33 Years  
Teacher Posted At Primary School Gautiyapara Dawna Post Patrapali,  
District Surajpur Chhattisgarh
18. Chatrapal Kushwaha S/o Nankaram Aged About 46 Years Teacher  
Posted At Primary School Sahupara ( Ledua ) Post Tejpur, district  
Surajpur Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh through Secretary, Panchayat And Rural Welfare  
Department Mantralaya, Mahanadi Bhawan, Naya Raipur, Tehsil And  
District - Raipur Chhattisgarh
2. Zila Panchayat Through Chief Executive Officer Surajpur, District  
Surajpur Chhattisgarh

---- Respondent

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| For Petitioners      | : | Shri Anup Majumdar, Advocate.    |
| For Respondent No. 1 | : | Shri Ashish Surana, Panel Lawyer |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**19/10/2016**

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 Teachers (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 their 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 of 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.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned shall decide the petitioners' representation in accordance with law on its own merits.

Sd/-

**(Sanjay K. Agrawal)**  
Judg