

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5866 of 2016

Atmadas Manikpuri, S/o late Agardas Manikpuri, aged about 33 years, Presently working as Assistant Teacher (Panchayat), Govt. Primary School, Achhori, Block Kurud, District Dhamtari (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (CG).
2. Collector, Dhamtari, District Dhamtari (CG).
3. District Panchayat, Dhamtari through its Chief Executive Officer, District Dhamtari (CG).
4. Janpad Panchayat, Kurud, through its Chief Executive Officer, District Dhamtari (CG).
5. Block Education Officer, Block Kurud, District Dhamtari (CG).

-----Respondents

For Petitioner	:	Shri Sanjeev Kumar Sahu, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/10/2016

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 petitioner is 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 petitioner has completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The petitioner 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 petitioner for promotion.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioner 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/-

(Sanjay K. Agrawal)
Judge

L/-