

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2356 of 2015**

Smt. Sapna Joy wife of Vinish Joy, aged about 36 years, (Assistant Teacher Grade III) Primary Girls School, Sendry, Block Bilha, District Bilaspur (CG) R/o C/o Lokeshwar Shandilya, 27 Kholi, Church Road, Vikas Nagar, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through the Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Bilaspur, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Bilha, District Bilaspur, Chhattisgarh.
4. District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Govind Ram Miri and Shri Basant Kaiwartya, Advocates
 For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****11/11/2016**

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 petitioner 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.
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 petitioner prefers a 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/-

(Deepak Gupta)
CHIEF JUSTICE