NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.4971 of 2016

Smt. Vidya Kanwar W/o Shri Ram Chandra Kanwar, Aged About 36 Years Presently Working At Assistant Teacher Pancahyat Govt. Primary School Narsinghpur, Block Dongargarh, Distirct Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Pancahyat And Rural Development, Mahanadi Bhawan, Mantralaya New Raipur Distirct Raipur Chahttisarh
2. Collector, Rajnandgaon, District Rajnandgaon Chhattisgarh
3. District Panchayat, Rajnandgaon Through Its Chief Executive Officer, Distirct Rajnandgaon Chhattisgarh
4. Janpad Panchayat, Dongargarh, Through Its Chief Executive Officer, Distirct Rajnandgaon Chhattisgarh
5. Block Education Officer, Block Dongargarh, Distirct Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner : Mr. Sanjeev Sahu, Advocate
For Respondent-State : Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

---

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

21/09/2016

1. Heard on admission.

2. The grievance ventilated through this petition is on account of non-consideration of petitioner's case for promotion on the next higher post of Teacher (Panchayat).

3. 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. The petitioner enjoys 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 petitioner for promotion.

4. 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 her in accordance to seniority.

5. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.

6. Accordingly, this petition is also disposed off with a direction that in case the petitioner prefers 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

Tiwari