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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5269 of 2016**

1. Vijay Kumar Puhup S/o Shri Manbodh Singh, Aged About 39 Years Assistant Teacher (Panchayat) At Govt. Primary School, Palamupara, P.S. Pasan, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)
2. Manharan Lal Nishad, S/o Shri Chhatram Nishad, Aged About 31 Years Assistant Teacher (Panchayat), At Govt. Primary School, Palamupara, P.S.- Pasan, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)
3. Anita Shrivastava, D/o Shri Sankata Prasad, Aged About 40 Years Assistant Teacher (Panchayat), At Govt. Primary School, Pahadpara (Kodgar), P.S. Pasan, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)
4. Ved Singh Markam, S/o Shri Vanshdhari, Aged About 42 Years Assistant Teacher (Panchayat) At Govt. Primary School, Patrapara, P.S.- Pasan, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)
5. Tikait Ram, S/o Shri Johan Sai, Aged About 41 Years Assistant Teacher (Panchayat) At Govt. Primary School, Bugrabhanta, P.S.- Bango, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)
6. Sandhya Khalkho (Now Ekka), W/o Shri Papuchan Ekka, Aged About 32 Years Assistant Teacher (Panchayat), At Govt. Primary School, Banwarpara, P.S. Bango, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)
7. Mahipat Singh, S/o Shri Umend Singh, Aged About 42 Years Assistant Teacher (Panchayat), At Govt. Primary School, Khairwarpara, P.S. Pasan, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur, Distt. Raipur, (Chhattisgarh)
2. District Panchayat, Korba, Through Its Chief Executive Officer, District Korba, (Chhattisgarh)
3. Janpad Panchayat, Pondi Uproda, Through Its Chief Executive Officer, Distt. Korba, (Chhattisgarh)
4. Block Education Officer, Block Pondi Uproda, Distt. Korba, (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. A.S. Rajput, Advocate
For Respondent-State	:	Mr. Shangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

28/09/2016

1. Heard on admission.
2. 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).
3. Learned counsel for the petitioners submits that the petitioner 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 is therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioners 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 their 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 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 representations.

Sd/-
(Manindra Mohan Shrivastava)
Judge