

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5468 of 2016

1. Deepak Kumar Patel S/o Shri Janaki Prasad Patel, Aged About 35 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School, Baljor,
Block & Thana Tamnar, Revenue & Civil District Raigarh, (Chhattisgarh)
2. Bhagirathi Choudhari, S/o Shri Gopal Singh Choudhari, Aged About 45
Years Occupation Assistant Teacher Panchayat, Govt. Primary School,
Humarghuncha Sankul Dhaunrabhata, R/o Village Humarghuncha, Block
& Thana Tamnar, Revenue & Civil District Raigarh, (Chhattisgarh)
3. Yadumani Chaudhari, S/o Shri Rohit Kumar Chaudhari, Aged About 45
Years Occupation Assistant Teacher Panchayat, Govt. Girls Higher
Secondary School Godri Sankul Godri, Tamnar, R/o Village Godri, Block
& Thana Tamnar, Revenue & Civil District Raigarh, (Chhattisgarh)
4. Ramlal Gupta, S/o Shri Dayanand Gupta, Aged About 42 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School
Padakipahari Sankul Godri, Tamnar, R/o Village Padakipahari, Block &
Thana Tamnar, Revenue & Civil District Raigarh, (Chhattisgarh)
5. Parikshit Gupta, S/o Shri Dayanand Gupta, Aged About 42 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School
Goharideepa, R/o Village Goharideepa, Block A Thana Tamnar, Revenue
& Civil District Raigarh, (Chhattisgarh)
6. Kusum Rathiya, S/o Shri Surendra Kumar Rathiya, Aged About 36 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School,
Kudharipar Sankul Libara, R/o Village Ludharipar, Block & Thana Tamnar,
Revenue & Civil District Raigarh, (Chhattisgarh)
7. Smt. Neelavati Patel, W/o Shri Malikram Patel, Aged About 35 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School Chitwahi
Sankul Dolesara, R/o Village Chitwahi, Block & Thana Tamnar, Revenue
& Civil District Raigarh, (Chhattisgarh)
8. Bharatlal Patel, S/o Shri Laxmi Prasad Patel, Aged About 41 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School
Kathrapali, Sankul Dolesara, R/o Village Kathrapali, Block & Thana
Tamnar, Revenue & Civil District Raigarh, (Chhattisgarh)
9. Purnchandra Rathiya, S/o Shri Parasram Rathiya, Aged About 35 Years
Occupation Teacher Panchayat, Govt. Primary School Navadih Sankul
Dolesara, R/o Village Navadih, Block & Thana Tamnar, Revenue & Civil
District Raigarh, (Chhattisgarh)
10. Alexjender Tigga, S/o Shri Heeralal Tigga, Aged About 45 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School,
Laldeepa, Sankul Godri, R/o Village Laldeepa, Block & Thana Namnar,

Revenue & Civil District Raigarh, (Chhattisgarh)

11. Arun Singh Sidar, S/o Shri Banmali Prasad Sidar, Aged About 30 Years
Occupation Assistant Teacher Panchayat, Govt. Primary School Tapranga
Sankul Dhaunrabhata, R/o Village Tapranga, Block & Thana Tamnar,
Revenue & Civil District Raigarh, (Chhattisgarh)
12. Smt. Pavitra Gupta, W/o Shri Pandav Prasad Gupta, Aged About 36
Years Occupation Assistant Teacher Panchayat, Govt. Primary School
Basanpali, Block & Thana Tamnar, Revenue & Civil District Raigarh,
(Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat, Gramin Vikas
Vibhag, Mantralaya, Naya Raipur, (Chhattisgarh)
2. Director, Panchayat, Sanchanalaya Chhattisgarh, Indravatibhavan, Naya
Raipur, (Chhattisgarh)
3. Chief Executive Officer, Jila Panchayat, Raigarh, District - Raigarh
(Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Tamnar, District Raigarh,
(Chhattisgarh)
5. Collector, Raigarh, District Raigarh, (Chhattisgarh)
6. District Education Officer, Raigarh, District Raigarh, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Abdul Wahab Khan, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/10/2016

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 Teacher (Panchayat) are lying vacant. The petitioners 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 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 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/-
(Manindra Mohan Shrivastava)
Judge