

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 1406 of 2017

1. Satish Nishad S/o Shri Chintaram Nishad Aged About 29 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Dashrangpur Khurd, Block Kawardha, District Kabirdham, Chhattisgarh
2. Smt. Manju Sharma W/o Shri Gulshan Sharma Aged About 29 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Nawagaon Tiwari, Block Kawardha, District Kabirdham, Chhattisgarh
3. Ku. Nafisa Bano D/o Shri Muntaj Shah Saiyad Aged About 32 Years Working As Assistnat Teacher (Panchayat) Posted At Govt. Higher Secondary School Sompuri Rani, Block Kawardha, District Kabirdham, Chhattisgarh
4. Tankeshwar Goswami S/o Shri Narayan Goswami Aged About 46 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Dhamki, Block Kawardha, District Kabirdham, Chhattisgarh
5. Smt. Jyoti Sen W/o Shri Ishwarlal Sen Aged About 30 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Bhagutola, Block Kawardha, District Kabirdham, Chhattisgarh
6. Smt. Rajani Bala Shrivastava W/o Shri Devendra Shrivastava Aged About 31 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Mainpuri, Block Kawardha, District Kabirdham, Chhattisgarh
7. Deenaram Sahu S/o Bahadurlal Aged About 30 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Suktara, Block S. Lohara, District Kabirdham, Chhattisgarh
8. Smt. Tripti Sahu W/o Shri Ram Kumar Sahu Aged About 31 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Silhati, Block S. Lohara, District Kabirdham, Chhattisgarh
9. Kamlesh Sahu S/o Sukhoouram Sahu Aged About 37 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Surajpura, Block S. Lohara, District Kabirdham, Chhattisgarh
10. Sarif Khan S/o Farid Khan Aged About 37 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Dharamgarh, Block S. Lohara, District Kabirdham, Chhattisgarh
11. Rewaram Sahu S/o Shri Nand Kumar Sahu Aged About 42 Years Working As Assistant Teacher(Panchayat) Posted At Govt. Primary School Majgaon, Block S. Lohara, District Kabirdham, Chhattisgarh
12. Smt. Swati Tamrakar W/o Shri Suresh Tamrakar Aged About 32 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Silhati, Block S. Lohara, District Kabirdham, Chhattisgarh
13. Roshan Sahu D/o Shri Naresh Sahu Aged About 31 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Dharamgarh, Block S. Lohara, District Kabirdham, Chhattisgarh
14. Smt. Sandhya Bais D/o Shri Pramod Kumar Pawar Aged About 34 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Ranjitpur, Block S. Lohara, District Kabirdham, Chhattisgarh
15. Gangadhar Rao Gawande S/o Ratneshwar Rao Gawande Aged About 33 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Sarpani, Block Pandariya, District Kabirdham, Chhattisgarh

16. Anupchand Rathore, S/o Shri Prithram Rathore, Aged About 40 Years Working As Assistant Teacher (Panchayat) Posted At Govt. Primary School Seonikala, Block Bodla, District Kabirdham (Chhattisgarh).

---- **Petitioners**

Versus

1. State of Chhattisgarh Through Secretary, Department Of Panchayat And Social Welfare, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur, Chhattisgarh.
2. District Education Officer, Kabirdham, District Kabirdham, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Kabirdham, District Kabirdham, Chhattisgarh.

---- **Respondents**

For Petitioners	:	Shri Ajay Shrivastava, Advocate.
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

23/03/2017

1. The grievance of the petitioners are that though the petitioners have been found eligible for being promoted to the post of Teacher Panchayat, but promotion order has not been issued in their favour.
2. The contention of the petitioner is that, initially a list of 135 Teachers were published declaring them to be eligible for being promoted to the post of Teacher Panchayat (Science subject), but only 84 candidates have been directed to be promoted. Rest of the posts have been left only for the reason that those posts are being occupied by the other persons who have been adjusted under the scheme of rationalization.
3. Learned counsel for the petitioners submits that the State Govt. itself vide circular dated 19.10.2016 (Annexure P/1 to the writ petition) have decided that the posts occupied by the Teacher under the scheme of rationalization has to be treated as lying vacant. The concerned District Education Officer also vide letter dated 07.12.2016 had issued instructions for issuance of promotion orders in accordance with circular dated 19.10.2016.

4. Be that as it may, this court is not inclined to keep this petition pending any further and ends of justice would meet if an appropriate direction be issued to the respondents No.2&3 to scrutinize the cases of the petitioners and pass suitable orders in accordance with circular dated 19.10.2016 as also the instructions of District Education Officer dated 07.12.2016.
5. It is ordered accordingly. Let this exercise be carried out within a period of 90 days from today.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder