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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2173 of 2017**

1. Bhoj Ram Patel S/o Shri Jaggannathiya Patel, Aged About 43 Years By Post Assistant Teacher (Panchayat), At Present Posted At Govt. Primary School At- Kokobhanta, Block Education Office- Pithora, Janpad Panchayat- Pithora, Zila Panchayat Mahasamund, Civil- Revenue Distt And District Mahasamund (Chhattisgarh)
2. Lav Kumar Patel, S/o Shri Goving Ram Patel, Aged About 32 Years By Post Assistant Teacher (Panchayat), At Present Posted At Govt. Primary School At- Barihapali, Block Education Office- Saraipali, Janpad Panchayat- Saraipali, Zila Panchayat Mahasamund, Civil- Revenue Distt And District Mahasamund (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Panchayat & Rural Developmen, New Mantralaya, Mahanadi Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
2. The Chief Executive Officer, Zila Panchayat, Mahasamund District Mahasamund (Chhattisgarh)
3. The Chief Executive Officer, Janpad Panchayat Pithora, Distt. Mahasamund (Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat, Saraipali, District Mahasamund (Chhattisgarh)
5. Block Education Officer, Pithora, District Mahasamund (Chhattisgarh)
6. Block Education Officer, Saraipali, District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri JA Lohani, Advocate
For Respondents-State	:	Shri Satish Gupta, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/05/2017**

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 is 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 representations, 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/-

Judge
Prashant Kumar Mishra

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