

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7481 of 2010**

1. Dr. Ashutosh Jha S/o Shri Bansh Narayan Jha, aged 45 years, presently posted and working as Shiksha Karmi Grade-II, at Dr. Shyama Prasad Mukharjee Government Higher Secondary School, WRS Colony, Raipur (CG).
2. Smt. Pratibha Pandey W/o Shri RD Pandey, aged 45 years, presently posted and working as Shiksha Karmi Grade II At Dr. Shyama Prasad Mukharjee Govt. Higher Secondary School WRS Colony Raipur (CG).

---- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, Ministry of Urban Administration, DKS Bhwan, Mantralaya, Raipur (CG).
2. Commissioner Municipal Corporation Raipur (CG).
3. The Education Officer Municipal Corporation Raipur (CG).

---- Respondents

For Petitioners	:	Shri Devershi Thakur, Advocate.
For Respondent/State	:	Shri Mazid Ali, Panel Lawyer.
For Respondents No.2&3:		Shri HB Agrawal, Sr. Advocate along with Ms Preeti Yadav, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/02/2017**

1. The petitioners are working as Shiksha Karmi Grade-II and posted at Dr. Shyama Prasad Mukharjee Govt. Higher Secondary School, WRS Colony, Raipur. They are eligible for being promoted to the post of Shiksha Karmi Grade-I. Their grievance is that in spite of having vacancy under the respondent No.2-Corporation, their case has not been considered for promotion to the post of Shiksha Karmi Grade-I. Therefore, the respondents may be directed to consider the case of the petitioners subject to their fulfilling the eligibility and suitability for the said post.

2. At this juncture, learned counsel for the respondents No.2&3-Corporation submits that as per instructions, there is no vacancy in the subjects in which the petitioners are claiming their promotion. He further submits that in the event if there is vacancy available and the petitioners are found eligible and suitable, the respondents No.2&3 do not have any objection for considering the case of the petitioners.
3. Counsel for the State submits that the respondents No.2&3 are the main contesting party and the reply of the State is of not much relevancy.
4. In view of the statement made by the counsel for the petitioners as well as respondents No.2&3, it is directed that subject to availability of vacancy of the post in the subject in which the petitioners are claiming their promotion i.e. Hindi and Sanskrit respectively, the respondents No.2&3 shall make all endeavors for considering the case of the petitioners subject to they being suitable and eligible for the said post. In the event of availability of the vacancy in the respective subjects, the respondents No.2&3 shall take prompt decision preferably within a period of four months from the date of receipt of certified copy of this order.
5. With the aforesaid direction, the petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge