

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 978 of 2017**

Rajesh Kumar Nag S/o Late Jhaduram Nag, aged about 31 years, R/o Kumharpara, Thana & Distt. Narayanpur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through its Secretary, Panchayat and Rural Department Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Director Panchayat, Secretariat Naya Raipur, Distt. Raipur (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, Narayanpur (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Narayanpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For Respondents/State	:	Shri S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02/03/2017**

The present writ petition has been filed seeking for a direction to the respondents to consider the case of the petitioner for promotion from the post of Assistant Teacher Panchayat to Teacher Panchayat in arts subject.

2. Counsel for the petitioner submits that it is the second round of litigation. In the earlier round of litigation i.e. Writ Petition No.3151/13 preferred by the petitioner along with others was disposed of on 04.10.2013. Subsequent to the disposal of the said writ petition, the State Govt. has amended the rules vide notification dated 28.10.2014 whereby the teachers belonging to commerce subject have also been brought within the arts category for the purpose of promotion. Subsequent to the amendment, the petitioner sought for information under RTI Act in respect of the availability of vacancy and vide Annexure P-8 a chart has been

given in respect of the availability of vacancies in different schools of District Narayanpur. Counsel for the petitioner submits that when the vacancy is now available, the case of the petitioner for promotion may be considered in the light of the earlier order passed by the State Govt. on 29.04.2015 Annexure P-5 whereby the State has given assurance that whenever vacancy arises, they would consider the case of the petitioner.

3. State counsel at this juncture submits that subsequent to the amendment in the rules, the representation of the petitioner is still pending before the competent Authority. Therefore, a direction may be issued to respondents 2 & 3 to take a decision on the representation of the petitioner.

4. Without further going into the merits of the case, this Court intends to dispose of the writ petition with a direction to the respondents to take an appropriate decision on the claim of the petitioner particularly in the light of the subsequent amendment made vide notification dated 28.10.2014 whereby the teachers in commerce subject have also been brought in arts category for promotion. If the petitioner is found suitable for promotion subject to his seniority and eligibility, his case be considered at the earliest.

5. The petitioner is also at liberty to file a fresh detailed representation in this regard both to respondent no.2 as well as respondent no.3. In the event the petitioner is not found eligible for promotion, let an intimation be given to the petitioner in this regard as to why he is not eligible or found suitable for promotion.

6. With the aforesaid observation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE