

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. No. 1307 of 2005**

Mitra Singh Rathia, S/o Mahhettar Ram Rathia, aged about 41 years, Occupation Assistant Teacher, Posted at Primary School, Borsi, resident of Tehsil Dabhra, District Janjgir Champa (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh, through the Secretary School Education Department, D.K.S. Building, Raipur (C.G.)
2. District Education Officer, District Headquarter, Janjgir Champa (C.G.)
3. Block Education Officer, Dabhara, District Janjgir Champa (C.G.)

---- Respondents

For Petitioners	: Shri Vivek Kumar Tripathi, Advocate.
For Respondents/State	: Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/10/2017**

(1) Learned counsel for the petitioner submits that the petitioner is entitled for promotion on the post of Upper Division Teacher (for short "UDT") with effect from 5.11.1999 with all consequential benefits.

(2) Per contra, counsel for the State would submit that the petitioner was not having qualification of D. Ed. from recognized University at the time of promotion and, therefore, he was not eligible for promotion on the post of UDT on 5.11.1999, and after passing of the said examination in the month of June, 2005, he was promoted on the post of UDT by order dated 29.06.2007.

(3) I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove, and gone through the record with utmost circumspection.

(4) Since the qualification of passing D.Ed examination from re-cognized University was essential qualification for considering the promotion on the post of UDT, therefore, the petitioner is not entitled to be promoted with effect from 05.11.1999; and immediately after passing of the D.Ed. Examination, he was considered for promotion on the post of UDT on 29.06.2007. Thus, I do not find any merit in the instant writ petition warranting interference by this Court in the instant writ petition.

(5) Accordingly, the writ petition fails and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-