

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1460 of 2017**

- Manikant Sahu S/o Shri Sukhsagar Sahu, Age 42 Years Posted As Assistant Teacher (Panchayat) At Govt. Primary School, Bhaistara, Vikas Khand Akaltara, District Janjgir Champa (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through : The Secretary, Panchayat & Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. The Chief Executive Officer, District Panchayat, Janjgir Champa, District Janjgir Champa (Chhattisgarh).
3. The Chief Executive Officer,, Janpad Panchayat Akaltara District Janjgir Champa (Chhattisgarh).
4. The Block Education Officer, Block Akaltara, District Janjgir Champa (Chhattisgarh).
5. Sanjeev Kumar, (Teacher Panchayat) Posted At Govt. Middle School, Nandourkala, Block Sakti, District Janjgir Champa (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For Respondents-State	:	Shri Satish Gupta, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/03/2017**

1. The grievance ventilated through this petition is on account of non-consideration of petitioner's case for promotion on the next higher post of Teacher (Panchayat).
2. Learned counsel for the petitioner submits that the petitioner is 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 petitioner has completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The petitioner enjoys 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 petitioner for promotion.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioner 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 disposed of with a direction that in the event, the petitioner's employer or the competent authority, who is responsible for considering the case of promotion from the post of Assistant Teacher (Panchayat) to the post of Teacher (Panchayat) considers the matter of promotion, the petitioner's case shall also be

considered in accordance with law. This order shall not be construed as an opinion on the merits of the case and the authorities shall proceed to decide the issue on its own merits, in accordance with law. It is also made clear that while considering the petitioner's representation and decide the same within a period of six months, the authority shall not pass any order issuing single promotion order without considering the case of other similarly placed persons.

Sd/-

Judge
Prashant Kumar Mishra

Ashu