

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1468 OF 2016

1. A. K. Tembhekar S/o Late Shri Dayal Das Tembhekar, Aged About 48 Years Training Superintendent, I.T.I. Durg, (Chhattisgarh)
2. D.S.Ratre, S/o Late Shri Subedar Ratre, Aged About 60 Years Training Superintendent, Industrial Training Institute, Balod, Distt. Balod, (Chhattisgarh)
3. Samliyaram Thakur, S/o Late Shri Nandu Ram Thakur, Aged About 50 Years Training Superintendent, Industrial Area, Bhilai, Residing At H.No. LIG/II/311, Housing Board, Bhilai, District Durg, (Chhattisgarh)
4. S. R. Bhurkutekar, , S/o Shri Rama Bhurkutekar, Aged About 53 Years Training Superintendent, Suregaon, Industrial Training Institute, Suregaon, Distt. Balod, (Chhattisgarh)
5. B. S. Dhurve, S/o Shri Shalikram Dhurve, Aged About 56 Years Training Superintendent, I.T.I. Mainpur, Azad Chowk, Behind Vikhas Petrol Pump, Bhilai 3, Dist. Durg (Chhattisgarh)
6. S. D. Khilari, S/o Shri Sagundas Khilari, Aged About 45 Years Training Superintendent, Industrial Training Institue, Sanjari, (Dondi Lohara), Distt Balod (Chhattisgarh)
7. Chhatrapal Singh Kanwar, S/o Late Shri Rameshwar Singh Kanwar, Aged About 56 Years Training Superintendent, Women I.T.I., Koni, Bilaspur, Distt. Bilaspur, (Chhattisgarh)
8. R.P.Sahu, S/o Late Lalji Sahu, Aged About 56 Years Training Superintendent, I.T.I. Koni, Bilaspur, Distt. Bilaspur, (Chhattisgarh)
9. Linus Minj, S/o Late Shri Hilarius Minj, Aged About 58 Years Training Superintendent, Industrial Training Institue, Tapkara, Jashpur, Distt. Jashpur, (Chhattisgarh)
10. G. L. Sahu, S/o Late Shri Nawal Prasad Sahu, Aged About 58 Years Training Superintendent, I.T.I. Vishrampuri, Distt. Kondagaon, (Chhattisgarh)
11. R. K. Verma, S/o Late Shri J. L. Verma Aged About 54 Years Training Superintendent, I.T.I. Dhamdha, District Durg, (Chhattisgarh)
12. D. P. Dahire, S/o Late Shri B.D.Dahire, Aged About 49 Years Training Superintendent, I.T.I. Kasdol, Ome Audio Video, Sector 2, Hospital, Market Khursipar, Bhilai, Distt. Durg, (Chhattisgarh)
13. B.K.Sahu, S/o Shri Bani Charan Sahu, Aged About 55 Years Training Superintendent, I.T.I. Gunderdehi, Distt. Balod, (Chhattisgarh)
14. B.D.Sahu, S/o Late Shri Bhavdas Sahu, Aged About 55 Years Training Superintendent, I.T.I. Durg, Distt Durg, (Chhattisgarh)
15. Himanshu Chandranath, S/o Late Shri Paresh Chandranath, Aged About 56 Years Training Superintendent, I.T.I. Gorela, Pendra Road, Distt. Bilaspur, (Chhattisgarh)
16. M. L. Banjare, S/o Shri Pardeshi Ram Banjare, Aged About 51 Years Training Superintendent, I.T.I. Sariya, Distt. Raigarh, (Chhattisgarh)
17. D. S. Armo, S/o Late V. S. Armo, Aged About 46 Years Training Superintendent, I.T.I. Koni, Distt. Bilaspur, (Chhattisgarh)
18. G. R. Sahu, S/o Late Shri Dhansai Sahu, Aged About 56 Years Training Superintendent, I.T. I. Marwahi, Distt. Bilaspur, (Chhattisgarh)
19. K. P. Varma, S/o Shri B. R. Varma, Aged About 53 Years Training Superintendent, I. T. I. Dondi Lohara, Distt. Balod, (Chhattisgarh)
20. Phoolsingh Kanwar, S/o Shri Govindsingh Kanwar, Aged About 52 Years Training Superintendent, I.T.I. Pathariya, Distt. Bilaspur, (Chhattisgarh)
21. K. L. Patel, S/o Shri P.D. Patel, Aged About 54 Years Training Superintendent I.T.I. Raigarh, Distt. Raigarh, (Chhattisgarh)
22. R. D. Sahu, S/o Late Shri D. S. Sahu, Aged About 55 Years Training Superintendent, I.T.I. Sarangarh, Distt. Raigarh, (Chhattisgarh)
23. Trilochan Singh Gawre, S/o B. L. Gawre, Aged About 53 Years Training Superintendent, I.T.I. Rajnandgaon (Chhattisgarh)

24. Chandresh Divya, S/o Late Shri Sukhdev Divya, Aged About 44 Years
Training Superintendent, I.T.I., Ambikapur, Distt. Surguja, (Chhattisgarh)

... Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, Department of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Director, Directorate Of Employment And Training, Raipur, (Chhattisgarh)
3. Mahesh Kumar Malviya, Posted As Technical Assistant, Directorate, Employment And Training, Raipur, (Chhattisgarh)
4. R. N. Dubey, Posted As Training Superintendent, Industrial Training Institute, Kasdol, District Balodabazar, (Chhattisgarh)
5. Tusharkant Satpute, Posted As Training Superintendent, Industrial Training Institute, Geedam, District Dantewada, (Chhattisgarh)
6. Premanand Gavel, Posted As Training Superintendent, Directorate, Employment And Training, Raipur, (Chhattisgarh)
7. Tejram Dewangan, Posted As Training Superintendent, Women Industrial Training Institute, Bhilai, District Durg, (Chhattisgarh)
8. Prakash Narayan Sinha, Posted As Training Superintendent, Industrial Training Institute, Bagicha, District Jashpur, (Chhattisgarh)
9. Akhtar Abbas, Posted As Training Superintendent, Women Industrial Training Institute, Narayanpur, District Narayanpur, (Chhattisgarh)
10. T. S. Tanwar, Posted As Training Superintendent, Industrial Training Institute, Devbhog, District Gariyaband, (Chhattisgarh)
11. Arun Singh, Posted As Training Superintendent, Industrial Training Institute, Mungeli, District Mungeli, (Chhattisgarh)
12. J.S. Sikarwar, Posted As Training Superintendent, Industrial Training Institute, Gariyaband, District Gariyaband, (Chhattisgarh)
13. T. L. Dongre, Posted As Training Superintendent, Industrial Training Institute, Ramanujganj, District Balrampur, (Chhattisgarh)
14. Permeshwar Idpache, Posted As Training Superintendent, Industrial Training Institute, Dongargarh, District Rajnandgaon, (Chhattisgarh)
15. Bhagwati Prasad Sahu, Posted As Training Superintendent, Industrial Training Institute, Abhanpur, District Raipur, (Chhattisgarh)

... Respondents

For Petitioners	:	Mr. Amrito Das, Advocate.
For Respondent-State	:	Mr. Y.S. Thakur, Addl. Advocate General.
For Respondent 5, 6 & 9 to 15	:	Mr. Uttam Pandey, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Thottathil B. Radhakrishnan, C.J.

18/04/2017

1. Heard learned Counsel for the Petitioners, learned Additional Advocate General and learned Counsel for the private Respondents.

2. The Petitioners are Training Superintendents in various Industrial Training Institutes in the State of Chhattisgarh. They pleaded that they are stagnating in that category and have attained substantial experience and expertise to be appointed to the post of Principal, Class-II, in those institutions. They point out that there are good number of vacancies available in the category of Principal, Class-II.

3. However, the admitted situation is that the Madhya Pradesh Industrial Training Gazetted (Service Recruitment) Rules, 1965, (hereinafter referred to as 'the Rules of 1965'), which apply for the recruitment of the category in question, prescribes that for appointment by promotion to the post of Principal, Class-II, the candidate should hold the qualification prescribed for direct recruitment. It is this prescription that is under challenge in this Writ Petition.

4. Considering the different aspects of the matter and taking the submissions made on behalf of the Petitioners that it would be worthwhile that the Writ Court does not now speak on the challenge levied to the impugned Rules of 1965, for the simple reason that the issue of amendment of the Rules of 1965 are stated to be pending with the Government, we accede to the suggestion on behalf of the Petitioners that the Writ Petition be ordered without deciding the issue raised and leaving the Petitioners with liberty to seek any other relief as may become necessary if and when any subsequent change to the Rules of 1965 are made and the Petitioners then find themselves aggrieved by the changed rule position. We hence dispose this Writ Petition accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge