

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5352 of 2017

1. Ram Kumar Sahu S/o Shri Bhujbal Ram Sahu, Aged About 44 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Chhitpuri Kala, P.S. Rengakhar Kala, Tahsil & Janpad Panchayat Bodla, District Kabirdham, Chhattisgarh
2. Chandan Das Manikpuri S/o Shri Lailu Das Manikpuri, Aged About 44 Years Presently Working As Assistant Teacher (Panchayat) At Government Primary School Masniya Tola, P.S. Chilphi, Tahsil & Janpad Panchayat Bodla, District Kabirdham, Chhattisgarh
3. Kamal Singh Pandre S/o Bir Singh Pandre, Aged About 45 Years Presently Working As Assistant Teacher (Panchayat) At Govt. Primary School Mudwahi, P.S. Chilphi, Tahsil & Janpad Panchayat Bodla, District Kabirdham, Chhattisgarh
4. Mohan Das Tandiya S/o Shri Amar Das Tandiya, Aged About 42 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Sukjhar, P.S. Teregaown, Janpad Panchayat Bodla, District Kabirdham, Chhattisgarh
5. Prem Singh Meravi S/o Shri Sukhram Meravi, Aged About 47 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Masniya Tola, P.S. Rengakhar Kala, Janpad Panchayat Bodla, District Kabirdham, Chhattisgarh
6. Om Singh Markam S/o Surat Singh Markam, Aged About 43 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Pandariya, P.S. Rengakhar, Janpad Panchayat Bodla, District Kabirdham, Chhattisgarh
7. Paras Singh Chandel S/o Birbal Singh, Aged About 36 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Neuregaown, P.S. Pondi, Janpad Panchayat Bodla, District Kabirdham, Chhattisgarh
8. Smt. Sweta Mishra W/o Ashish Mishra, Aged About 31 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Badhatola, Janpad Panchayat Bodla, P.S. Bodla, District Kabirdham, Chhattisgarh
9. Smt. Narbadiya Baghel W/o Shri Sanad Sanshar, Aged About 31 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Chandalpur, Janpad Panchayat Bodla, P.S. Bodla, District Kabirdham, Chhattisgarh
10. Jalesh Banjare S/o Ram Khelanan Banjare, Aged About 42 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Tilaibhat, Janpad Panchayat Bodla, P.S. Bodla, District Kabirdham, Chhattisgarh
11. Tikendra Kumar Sahu S/o Radhesyam Sahu, Aged About 32 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Badha, Janpad Panchayat Bodla, P.S. Bodla, District Kabirdham, Chhattisgarh
12. Sattelal Patel S/o Shri Juthel Ram Patel, Aged About 44 Years Presently Working As Assistant Teacher (Panchayat) At Government Primary School Saigona, Janpad Panchayat Kawardha, P.S. & Tahsil Kawardha, District Kabirdham, Chhattisgarh

13. Smt. Rani Sharma W/o Rakesh Sharma, Aged About 42 Years Present Working As Assistant Teacher (Panchayat) At Govt. Primary School Saigona, Janpad Panchayat Kawardha, P.S. Kawardha, District Kabirdham, Chhattisgarh
14. Bhagwat Prasad Banjare S/o Bhagwani Das Banjare, Aged About 36 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Madmada, Janpad Panchayat Kawardha, P.S. Kawardha, District Kabirdham, Chhattisgarh
15. Anil Kumar Narang S/o Kanta Prasad Narang, Aged About 36 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Sonpuri Rani, Janpad Panchayat Kawardha, P.S. Kawardha, District Kabirdham, Chhattisgarh
16. Hem Kumar Mahle S/o Prabhu Ram Mahle, Aged About 42 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Thakuraintola, Janpad Panchayat Kawardha, P.S. Kawardha, District Kabirdham, Chhattisgarh
17. Ganesh Ram Dhurve S/o Mukhi Ram Dhurve, Aged About 40 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Dullapur, Janpad Panchayat Kawardha, P.S. Kawardha, District Kabirdham, Chhattisgarh
18. Smt. Vaijanti Chandse W/o Chandra Prakash Dahire, Aged About 34 Years Presently Working As Assistant Teacher (Panchayat) At Primary School Keshli Gidan, Janpad Panchayat Pandariya, P.S. Pandariya, District Kabirdham, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat & Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Kabirdham, Chhattisgarh
3. District Education Officer, Kabirdham, District Kabirdham, Chhattisgarh

---- Respondents

Shri A.K.Yadav, counsel for the petitioner/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/10/2017

Heard on admission.

The grievance ventilated through this petition is on account of non-consideration of petitioners' 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 petitioners have completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The petitioners enjoy a very high position in the seniority list and are therefore within the zone of consideration. However, till date, respondents have not considered the case of the petitioners for promotion.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioners 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 also disposed off with a direction that in case the petitioners prefer representation, the same shall be considered and decided by the authority by speaking order within a period of 6 months from the date of receipt of representation.

Sd/-
(Manindra Mohan Shrivastava)
Judge