

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6101 of 2009

Smt. Munni Devi Singh W/o A.K.Singh, aged about 49 years, Principal,
Government Higher Secondary School, Mandirhasaud, Raipur, R/o
MIG-2/12, Mahavir Nagar, Ring Road No.1, Raipur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh through Principal Secretary, School Education
Department, D.K.S. Bhavan, Raipur (C.G.).
2. Director, Directorate of Public Education, Raipur (C.G.).
3. District Education Officer, Raipur, District Raipur (C.G.).
4. M.L.Patela S/o not known, Principal Govt. Higher Secondary School,
Vejalpur, Bemetra, District Durg (C.G.).

---Respondents

For petitioner	:	Shri M.K.Sinha, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2018

1. The grievance of the petitioner in the instant Writ Petition is the seniority given to the respondent No.4 over and above the petitioner.
2. The counsel for the petitioner referred to the Annexure-P/8 which is the gradation list as it stands on 01/04/2005 showed the name of the petitioner to be placed over and above the respondent No.4 – M.L.Patela. He submits that, the previous gradation lists also which were published by the department showed the petitioner as senior to the respondent No.4. However for reasons best known, while the promotion orders were issued on 07/11/2007 with effect from 27/06/2003, the petitioner has not been

considered for promotion at the relevant point of time. However, subsequently on an objection being raised by the petitioner, they have again issued an order of promotion to the petitioner, but the petitioner was granted promotion only with effect from 07/11/2007 and not from the date the juniors have granted promotion.

3. Perusal of the reply of the respondents would show that, in paragraph 6 of their reply they have taken a stand that the issue regarding the petitioner's seniority and the promotion issued in between requiring approval of the State Government is pending consideration since 2011. For ready reference, it is reproduced herein under:-

“6. That, it is humbly submitted that as per the above order dated 11/01/2011, the petitioner's seniority has been fixed in the cadre of Lecturer and thereafter, accordingly the seniority of the petitioner in the cadre of Principal would be fixed after any order in this regard is passed by the State Government and accordingly all the consequential benefits would be granted to the petitioner as the seniority in the cadre of Principal has been granted by the State Government.”

4. Either of the counsel were not in a position to disclose as to the subsequent development after 2011 that has taken place if any.

5. In the given facts, this Court is not inclined to keep the Writ Petition pending rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.2 to look into the grievance of the petitioner who is further directed to file another detailed representation/objection so far as his grievance if any which still survives to

the respondent No.2 within a period of 3 weeks' from today and on such representation being made, the respondent No.2 shall taking into consideration the comparative chart of the gradation list as also the seniority of the petitioner as compared to the respondent No.4 from time to time and pass a speaking/reasoned order within a period of 90 days from the date of receipt of representation of the petitioner.

6. The petitioner while making submission to the respondent No.2 may also enclose a copy of the Writ Petition along with the reply of the State Government.

7. Needless to mention that if the petitioner is found that she is senior to the respondent No.4 then as a consequence, the petitioner should be given all the consequential benefits that has been given to the respondent No.4 from time to time.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit