

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3170 of 2018**

1. Mahendra Kumar Vishwakarma S/o Shri Toman Lal Vishwakarma aged about 44 Years Working As Shiksha Karmi Grade- III (Assistant Teacher Panchayat), at Govt. Primary School, Kirna, Block- Tilda, District- Raipur, Chhattisgarh. R/o Ramnagar, Village- Kundru, Post- Tandwa, District- Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department of School Education, Mahanadi Bhawan, New Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Raipur, District- Raipur, Chhattisgarh.
3. Chief Executive Officer, Jila Panchayat Raipur, District- Raipur, Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Block- Tilda, District- Raipur, Chhattisgarh.
5. Block Education Officer, Tilda District- Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Anshul R. Shrivastava, Advocate
For Respondents/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order on Board

19.04.2018

1. Heard on admission.
2. 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).
3. Learned Counsel for the petitioner submits that the petitioner is in public employment with avenue of promotion provided under the Government 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.

4. Learned counsel for the State submits that the 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.
5. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.
6. Accordingly, this petition is also disposed off with a direction that in case the petitioner prefers 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