

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3244 of 2018**

1. Chandrika Prasad Yadav S/o Shri Braj Lal Yadav, Aged About 46 Years Assistant Teacher (Panchayat), Government Primary School, Barampur, Block Dongargarh, District Rajnandgaon Chhattisgarh.
2. Rajesh Kumar Rajput, S/o Ram Chandra Singh, Aged About 44 Years Assistant Teacher (Panchayat), Government Primary School, Lamaninbhanta, Block Dongargarh, District Rajnandgaon Chhattisgarh.
3. Chumman Lal Dewangan, S/o Gendram Dewangan, Aged About 47 Years Assistant Teacher (Panchayat), Government Primary School, Soritola, Block Dongargarh, District Rajnandgaon Chhattisgarh.
4. Ritesh Kumar Rangari, S/o Amritlal Rangari, Aged About 37 Years Assistant Teacher (Panchayat), Government Primary School, Bhanpuri, Block Dongargarh, District Rajnandgaon Chhattisgarh.
5. Madan Lal Mandavi, S/o Shyamlal Aged About 34 Years Assistant Teacher (Panchayat), Government Primary School, Bijanapur, Block Dongargarh, District Rajnandgaon Chhattisgarh.
6. Pradeep Kumar Verma, S/o Jodhanlav Verma, Aged About 37 Years Assistant Teacher (Panchayat) Government Primary School, Chipa, Block Dongargarh, District Rajnandgaon Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Panchayat And Rural Development, Indrawati Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
3. Collector, Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. Zila Panchayat, Rajnandgaon, Through Its Chief Executive Officer, Zila Panchayat Rajnandgaon Chhattisgarh., District :

Rajnandgaon, Chhattisgarh

5. Janpad Panchayat, Dongargarh, District Rajnandgaon, Through Its Chief Executive Officer, Janpad Panchayat, Dongargarh, Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
6. District Education Officer, Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
7. Block Education Officer, Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondents

For the Petitioner	:	Shri Vivek Shrivastava, Advocate
For the State	:	Shri R.K. Gupta, Dy. Advocate General

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

23/07/2018

1. Heard counsel for the parties.
2. The grievance ventilated through this petition is on account of non-consideration of petitioners' case for promotion on the next higher post.
3. Learned counsel for the petitioners submits that the petitioners are 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 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 petitioners for promotion.
4. 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 their in accordance to seniority.

5. The matter is squarely covered by order dated 21/09/2016 passed by the coordinate Bench in Writ Petition (S) No.4957 of 2016 in the matter of '*Smt. Supritee Ghosh vs. State of Chhattisgarh and others*'.
6. Accordingly, this petition is also disposed off with a direction that in case the petitioners prefers representations, 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/-

(Sharad Kumar Gupta)
Judge