

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3998 of 2018**

- Smt. Takeshwari Sahu W/o Shri Narendra Kumar Sahu, Aged About 47 Years Working As Shiksha Karmi Grade III (Assistant Teacher Panchayat), At Govt. Primary School, Bholapur, Block Chhuriya, District Rajnandgaon CG. R/o Village And Post Bholapur, Tahsil Chhuriya, District Rajnandgaon CG

---- Petitioner**Versus**

1. State Of Chhattisgarh through Secretary, Department of School Education, Mahanadi Bhawan, New Mantralay, New Raipur, Distt. Raipur CG
2. The Collector, Rajnandgaon, District Rajnandgaon CG
3. Chief Executive Officer, Jila Panchayat Rajnandgaon, District Rajnandgaon CG
4. Chief Executive Officer, Janpad Panchayat Block Chhuriya, District Rajnandgaon CG
5. Block Education Officer, Chhuriya, District Rajnandgaon CG

---- Respondents

For petitioner	: Mr. Anshul R. Shrivastava, Adv.
For Respondent. 1, 2 & 5	: Mr. Majil Ali, Dy. Govt. Adv.
For respondents 3 and 4	: None.

Hon'ble Mr. Justice Sharad Kumar Gupta**Order On Board****18-6-2018**

1. Heard on admission.
2. The grievance ventilated through this petition is on account of non- consideration of petitioner's case for promotion from Shiksha Karmi Grade III to Grade II.
3. 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 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 this 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. 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 she is otherwise eligible according to recruitment rules and which is due to her 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 of 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.

7. The writ petition disposed of.

Sd/-
(Sharad Kumar Gupta)
Judge