

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 753 of 2016

Shankarlal Ratre S/o Sukhru Ratre, Aged About 42 Years, Presently Posted And Working As Head Master, Government Middle School, Suloni, Block Sarangarh, Distt. Raigarh, Chhattisgarh, Civil And Revenue District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh
2. Director, Directorate Of School Education, Chhattisgarh, Block- 3, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. District Education Officer, Raigarh, Distt. Raigarh, Chhattisgarh
4. Block Education Officer, Block Sarangarh, Distt. Raigarh, Chhattisgarh
5. Parmeshwar Bharadwaj, Lecturer Economics, Govt. Higher Secondary School, Kedar Sarangarh, Distt. Raigarh, Chhattisgarh

---Respondents

For petitioner	:	Shri Dhani Ram Patel, Advocate.
For State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/12/2018

1. The relief sought for in the present writ petition is for a direction to the respondents to grant promotion to the post of lecturer from the date his immediate junior i.e. respondent no.5 was promoted on the post of lecturer i.e. w.e.f. 19.06.2012.
2. The petition was filed when the petitioner was not considered for promotion as early as in February, 2016. This Court had admitted the

petition on 10.03.2016 and asked the respondents to file their reply. Though more than 2 years have passed, till date the reply of the State is not on Board.

3. Counsel for the petitioner submits that pending the writ petition before this Court the petitioner has been granted promotion on 19.06.2017. According to the petitioner, now that the petitioner has been granted promotion w.e.f. 19.06.2017, the first part of his grievance stands redressed so far as the promotion is concerned. However, his grievance so far as seniority part is concerned, is yet to be finally adjudicated.

4. Counsel for the petitioner submits that let the respondents authority make a comparative assessment for deciding, as to whether it is the petitioner who is senior or the respondent no.5 and as to whether there was any justifiable reason for not granting promotion to the petitioner when respondent no.5 was considered for promotion.

5. State counsel, on perusal of the record, submits that it appears that the petitioner's grievance substantially has been redressed as he has been promoted in due course of time. However, she does not have any objection in disposal of the writ petition with a direction to the respondents to make a comparative assessment and pass an order.

6. Given the said facts, since the substantial grievance of the petitioner stands redressed, no fruitful purpose would be served in keeping the petition pending and asking the State Govt to file a reply.

7. On the contention of the petitioner that the issue of seniority has not been considered by the authority concerned, the present writ petition can be disposed of with a direction to respondents 2 & 3 to consider the case of the petitioner for grant of seniority over and above the respondent no.5 who according to the petitioner is junior to him and the petitioner has

been without any reason not considered for promotion when respondent no.5 was promoted.

8. Given the said fact, let the petitioner in this regard in addition to any representation that he has made earlier make a fresh representation within a period of 2 weeks from today and on such representation being received, respondent no.2 in turn shall scrutinize the same and verify the dispute of seniority inter se between the petitioner and respondent no.5 and pass an appropriate order at the earliest preferably within a period of 90 days from the date of receipt of fresh representation by the petitioner. This Court has not expressed any opinion so far as the seniority part is concerned and the respondent authority shall consider and decide the representation of the petitioner on due verification of the service records of the petitioner as well as the respondent no.5.

9. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE