

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5642 of 2018

1. P.J. Sebastian S/o Shri P. P. James, Aged About 47 Years, Presently Working As Physical Training Instructor, At Govt. Higher Secondary School Risali, District Durg, Chhattisgarh.
2. Anil Singh Gautam S/o Late C. S. Gautam, Aged About 55 Years, Presently Working As Physical Training Instructor, At Govt. Higher Multipurpose School Durg, District Durg, Chhattisgarh.
3. Vinod Kumar Nair S/o T. K. Nair, Aged About 47 Years, Presently Working As Physical Training Instructor, At Govt. Higher Secondary School Borsi, District Durg, Chhattisgarh.
4. Ajay Sharma S/o Shri Deenbandhu Sharma, Aged About 54 Years, Presently Working As Physical Training Instructor, At Govt. Higher Secondary School Khandsara, District Bemetara, Chhattisgarh.
5. Manoj Kumar Baxi S/o Late Jagdish Prasad Baxi, Aged About 55 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Bemetara, District Bemetara, Chhattisgarh.
6. Ashok Mehra S/o Shri D. R. Mehra, Aged About 54 Years, Presently Working As Physical Training Instructor At Govt. Multipurpose School Rajnandgaon, District Rajnandgaon, Chhattisgarh.
7. Ranvijay Pratap Singh S/o Shri Ram Narayan Singh, Aged About 54 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Dalipahari, District Rajnandgaon, Chhattisgarh.
8. Shailendra Tiwari S/o Late Neenkant P. Tiwari, Aged About 53 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Shekharapur, District Rajnandgaon, Chhattisgarh.
9. Devendra Singh Thakur S/o Late Ishwar Singh, Aged About 48 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Basantpur, District Rajnandgaon, Chhattisgarh.
10. Kanhaiya Patel S/o Chowa Ram Patel, Aged About 55 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Khairagarh, District Rajnandgaon, Chhattisgarh.
11. Raja Ram Dewangan S/o Shri Kanglu Ram, Aged About 53 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Surgi, District Rajnandgaon, Chhattisgarh.
12. Keshav Rampal S/o Shri Domu, Aged About 53 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Bhedikala, District Rajnandgaon, Chhattisgarh.

13. Bhagchand Lilhare S/o Shri Narottam Lal Lilhare, Aged About 52 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Musra, District Rajnandgaon, Chhattisgarh.
14. Khuman Prasad Sahu S/o Shri Sadhu Ram Sahu, Aged About 54 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Khujji, District Rajnandgaon, Chhattisgarh.
15. Manoj Gangver S/o Shri Baldeo Prasad Gangver, Aged About 53 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Bijebata, District Rajnandgaon, Chhattisgarh.
16. Niyamuddin Gauri S/o Shri Abdul Ghani, Aged About 56 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Ramatola Block Dongargarh, District Rajnandgaon, Chhattisgarh.
17. Teju Khan Gauri S/o J. K. Gauri, Aged About 52 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Gandai, District Rajnandgaon, Chhattisgarh.
18. Mohan Lal Verma S/o Shri Maha Singh, Aged About 55 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Jalbandh Block Khairagarh, District Rajnandgaon, Chhattisgarh.
19. Dhal Singh Sahu S/o Shri Amarnath Sahu, Aged About 53 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Gandai, Block Chhuikhadan District Rajnandgaon, Chhattisgarh.
20. Awadh Ram Chandel S/o Shri Karan, Aged About 60 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Ghumkha, District Rajnandgaon, Chhattisgarh.
21. Dinesh Sharma S/o D. P. Sharma, Aged About 52 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Jevri, District Bemetara, Chhattisgarh.
22. Rakesh Nath S/o Late Pawal Nath, Aged About 56 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Pandatarai, District Kabirdham, Chhattisgarh.
23. Domar Singh Kshatri S/o Niranjana Singh Kshatri, Aged About 56 Years, Presently Working As Physical Training Instructor At Govt. Higher Secondary School Chakarbhata, District Bilaspur, Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.

2. Director Public Instructions, Chhattisgarh, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. District Education Officer, Durg, District Durg, Chhattisgarh.
4. Smt. Manjusha Lal, Working As Physical Training Instructor At Govt. Middle School Chavni, District Durg, Chhattisgarh.
5. Altaf Ali, Working As Physical Training Instructor, At Govt. Higher Middle School Kurud, District Durg, Chhattisgarh.
6. Smt. Chhayaprakash Rao, Working As Physical Training Instructor, At Govt. Higher Middle School, Sector 11, Zone 02, Khursipar, Durg District Durg, Chhattisgarh.

---Respondents

For petitioners	:	Shri C.J.K.Rao, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

30/08/2018

1. The grievance of the petitioners in the instant Writ Petition is that, when the provisional gradation list was published, it showed the petitioners placed over and above the private respondents.
2. However, when the final gradation list was published, surprisingly, the private respondents were shown over and above the petitioners.
3. According to the counsel for the petitioners, they have already made a representation to the respondent No.2 in this regard and thus they make a limited prayer that the respondent No.2 be directed to take a decision on the said representation at the earliest.
4. The counsel for the petitioners also apprehends that there is all possibility of a promotion process to be initiated which could be detrimental to the interest of the petitioners.

5. Given the aforesaid factual matrix of the case, let the respondent No.2 take a decision on the representation made by the petitioners which is pending consideration at the earliest objectively considering the entire record pertaining to the date of appointment for the purpose of determining the seniority, as also the circulars prevailing.

6. In addition, the petitioners are also at liberty to file a detailed representation afresh within a period of 10 days from today.

7. Needless to mention that the respondent No.2 shall decide the representation at the earliest preferably before any promotion process, if any, is finalized.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit