

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7435 of 2018**

Jai Prakash Rath S/o Late L. N. Rath, Aged About 53 Years, Presently Working As Deputy Director, Public Instructions, Indrawati Bhawan, Atal Nagar, New Raipur, Resident Of F-3, Residential Colony, Board Of Secondary Education Pension Bada, Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Secretary, School Education Department Mahanadi Bhawan, Atal Nagar Raipur, Chhattisgarh
2. Under Secretary, School Education Department Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
3. Directorate Of Public Instructions, Chhattisgarh, Naya Raipur, Chhattisgarh
4. Director (Administration) Directorate Of Public Instructions, Indrawati Bhawan, Raipur, Chhattisgarh
5. Managing Director, Rashtriya Madhyamik Shiksha Mission, Composite Building Madhyamik Shiksha Mandal, Pension Bada Raipur, Chhattisgarh
6. Chhattisgarh Text Book Corporation Through Managing Director Pension Bada Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/11/2018**

The grievance of the petitioner in the present writ petition is the non consideration of the petitioner for promotion on the post of Joint Director in the Education Department.

2. Contention of the counsel for the petitioner is that the petitioner was placed at serial no.1 in the gradation list and he was quite hopeful for the said post but when the DPC was held, the petitioner was not found suitable on the ground that in the ACR of the petitioner for the year 2012-13, 2013-14 and 2014-15, the grading awarded to the petitioner was B, B & C respectively and as such the petitioner did not meet the bench mark required for being promoted. According to the petitioner, the said ACR of the aforementioned three years was never communicated to the petitioner and therefore, the petitioner had never an occasion for making a representation for upgradation. Counsel for the petitioner further submits that the petitioner has been granted grading of B, B & C for the three years, the same would amount to an adverse entry as it has adversely affected the promotional chances of the petitioner. He further submits that the petitioner has already made a representation to respondent no.1 Annexure P-8 dated 09.05.2018 so also a reminder on 03.10.2018 Annexure P-9 but till date no decision has been taken.

3. Given the aforesaid factual matrix of the case, this Court is of the opinion that let the respondent no.1 take a decision on the representation of the petitioner in respect of the request for upgradation of his gradings in his ACR. Thereafter the respondent authorities would be required to consider the case of the petitioner in the light of the judgment of the Supreme Court rendered in the case of Dev Dutt V. Union of India and others reported in (2008) 8 SCC 725. In case if the petitioner's grading is upgraded suitably,

appropriate review DPC would have to be convened and the case of the petitioner will have to be considered for promotion to the post of Joint Director.

4. With the aforesaid observation, the writ petition stands disposed of. It is expected that respondent no.1 shall take a decision on the representation of the petitioner within a period of 90 days from the date of receipt of certified copy of this order.

**Sd/-
(P. Sam Koshy)
JUDGE**