

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7429 of 2018**

Vijay Kumar Pradhan S/o Shouki Lal Pradhan, Aged About 56 Years
 Posted As Upper Division Teacher And Posted At Government Middle
 School Jutmil, Raigarh, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raigarh, Chhattisgarh
2. Director, Public Education Directorate, Indrawati Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
3. District Education Officer, Raigarah, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Raghvendra Pradhan, Advocate
For Respondent/State	:	Shri D. Wankhede, Govt. Advocate

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

The grievance of the petitioner is that he was entitled for promotion from the post of Upper Division Teacher to the post of Lecturer. However, though junior to the petitioner has been considered but the petitioner has been left out from the same.

2. According to the petitioner, he fulfills all the eligibility criteria for promotion but it appears that his case has been left out only on account of the pendency of the writ petition before the High Court i.e. WPS No. 806/2017 as is reflected from Annexure P-3 which was provided to the

petitioner under the provisions of the Right to Information Act where the name of the petitioner is reflected at serial no.2 where in the remarks column there is an entry made of the matter being subjudice in the High Court.

3. Perusal of the record it appears that WPS No. 806/17 filed by the petitioner before the High Court was in respect of an order of transfer wherein the High Court has entertained the writ petition and has also granted an interim protection. That writ petition has got nothing to do with the promotional prospects available to the petitioner nor does it in any manner affect the seniority or the eligibility criteria of the petitioner. It appears that the petitioner has already made a detailed representation to respondent no.2 in this regard vide Annexure P-6 dated 14.09.2018.

4. Given the said facts, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending rather ends of justice would meet if respondent no.2 is directed to reconsider the case of the petitioner and decide the representation that the petitioner has filed. It is made clear that the reference to WPS No. 806/2017 has nothing to do with the promotional avenues available to the petitioner. The case of the petitioner pending regarding transfer would not have any bearing on the claim for promotion, if the petitioner is otherwise eligible.

5. The writ petition accordingly stands disposed of. Respondent no.2 is directed to take necessary steps and pass an order on the representation of the petitioner at the earliest preferably within a period of 45 days from the date of receipt of certified copy of this order.

Sd/-
(P. Sam Koshy)
JUDGE