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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2288 of 2007**

Rajendra Kumar Dinkar S/o Shri U. L. Dinkar, aged about 44 years, occupation service, Upper Division Teacher, Middle School No.1 Kawardha, resident of Kachhery Para Buda Mahadev Ward, Kawardha, District Kabirdham (CG)

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through the Secretary, School Education Department, Mantralay, D.K.S. Building, Raipur (CG)
2. The Director, Directorate of Public Instructions, State of Chhattisgarh Raipur, Tahsil and District Raipur (CG)
3. District Education Officer, Kabirdham, District Kabirdham (CG)
4. The Block Education Officer, Kawardha, District Kabirdham (CG)
5. The Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham (CG)

---- Respondents

For Petitioner	:	Ms. Aparajita Gaikwad, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11.04.2019**

1. The claim of the petitioner in the present writ petition is for an appropriate direction to the respondents for grant of promotion on the post of Head Master, Middle School.
2. The contention of the counsel for the petitioner is that the petitioner

was initially appointed as a Up Shikshak on 06.02.1984 and later on, he was promoted firstly to the post of Headmaster, Primary School on 16.04.1999 and thereafter to the post of Upper Division Teacher w.e.f. 29.06.2000. The grievance of the petitioner arose when the Department issued two promotion orders i.e. Annexure P-4 dated 22.07.2006 and Annexure P-5 dated 14.08.2006. In the said promotion orders, the juniors to the petitioner have got promotion ahead of the petitioner who was left out from being considered for promotion which led to the filing of the present writ petition.

3. Upon notice the respondents have entered appearance and submitted their reply wherein they have categorically stated that so far as the petitioner is concerned, there was an enquiry which was ordered in respect of his caste status as it was alleged that the petitioner had obtained employment based upon incorrect or a false caste certificate. There was also an order in this regard by the State Level Committee which was challenged in WP No. 345 of 2003.
4. During the course of hearing, it has been revealed that the said writ petition i.e. WP No.345/2003 was finally allowed vide order dated 27.11.2013 by this Court and the report of the Committee was set aside and the matter was remitted back for a fresh adjudication by the Committee. However, the further development is not known to either the petitioner or the State counsel.
5. From the return of the State Govt. it appears that the case of the petitioner was not considered for promotion only on account of the dispute so far as the caste status of the petitioner is concerned and which was pending consideration before the Committee.

6. At this juncture, this Court is of the opinion that any claim for promotion by the petitioner would fructify only after the outcome of the said enquiry which was pending before the Committee. Since neither the petitioner nor the State is in a position to say as to what is the outcome of the Committee which was inquiring into the caste status of the petitioner, 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 the writ petition is disposed of reserving the right of the petitioner to avail an appropriate relief which he is entitled for as per the outcome of the enquiry so conducted by the High Level Caste Scrutiny Committee constituted by the State.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge