

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 472 of 2019

Smt. Durgawati Rai W/o Late B.K. Rai, Aged About 54 Years, Ward Aaya, Primary Health Centre, Ajab Nagar, Block Surajpur, District Surajpur Chhattisgarh.

---Petitioner

**Versus**

1. State Of Chhattisgarh, Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Director Directorate, Health Services, Indravati Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
3. Chief Medical And Health Officer, Surajpur, District Surajpur, Chhattisgarh.

---Respondents

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|----------------|---|---------------------------|
| For petitioner | : | Shri C.J.K.Rao, Advocate. |
| For State      | : | Shri Salim Kazi, Dy.A.G.  |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/01/2019

1. The limited grievance which the petitioner has raised through the instant Writ Petition is that, the petitioner has been working with the respondents as "Ward Aaya" since 18/02/2010 and before she was absorbed as "Ward Aaya", she has worked as a Class-IV employee (Sweeper) since 1982.
2. According to the counsel for the petitioner, she is the senior most person as Ward Aaya in the department and under the Nursing (Directorate Health Services) Class-III Service Recruitment Rules, 2013, there is a provision for promotion to the post of Rural Health Convenor "Female" Multipurpose Worker. She fulfills all the eligibility criteria required for the said

promotion. The respondents however for last many years have not taken any steps for filling up the said post and thereby the petitioner has been deprived of her claim for the said post.

3. The petitioner makes a limited prayer that she may be considered by the department in accordance with the rules governing the field and since there are number of posts lying vacant, the petitioner could be considered against one of the said post.

4. The State counsel on the contrary opposing the petition submits that, it appears that, the petitioner has straight away come to the High Court without making any representation to the department and the department also never had an occasion to consider the grievance of the petitioner.

5. In view of the submission made by the State counsel, the Writ Petition at this juncture stands disposed off with a direction to the petitioner to make a detailed representation supported with all relevant documents in her favour and the rule provision as it stands to the respondents No. 2 & 3 who in turn shall take a decision in respect of her claim at the earliest preferably within a period of 3 months from the date of receipt of representation.

6. It shall be the responsibility of the petitioner to apprise the respondents No. 2 & 3 so far as the order passed by this Court is concerned.

7. The Writ Petition accordingly stands disposed off.

Sd/-

**(P. Sam Koshy)**  
**JUDGE**