

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 905 of 2019

Smt. Uma Devangan W/o Shri Santram Devangan Aged About 41 Years Occupation- Teacher At Government Deaf School, Dhamtari, R/o Behind Hariyali Hotel, Rudri Road, Gokulpur, Dhamtari, Police Station- Dhamtari, Tahsil And District- Dhamtari, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Department Of Social Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, Police Station- Rakhi, District- Raipur, Chhattisgarh.
2. Director Directorate Of Social Welfare, Government Of Chhattisgarh, Dau Kalyan Singh Bhawan, Mahanadi Khand, Raipur, District- Raipur, Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Chairman Shankar Nagar Road, Bhagat Singh Chowk, Raipur, Tahsil And District- Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Surendra Kumar Dewangan, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/02/2019

1. The grievance of the petitioner in the present writ petition is the order Annexure P/1 dated 28.01.2019. The petitioner originally was working on the post of Teacher, when on 30.07.2018, the petitioner was promoted on the post of Superintendent Assistant (Deaf and Dumb).
2. According to the petitioner, immediately the petitioner had joined the services on the promoted post and has also undertaken the requisite training required. However, when the posting orders were issued on 14.01.2019, the name of the petitioner did not reflect in the posting order. The petitioner had made repeated representations vide Annexure P/8 & P/9 to the higher authority in the Department, who finally vide order dated 28.01.2019 has passed the impugned order

holding that the petitioner has been wrongly granted promotion on 30.07.2018 and as a consequence, the promotion order was cancelled and the petitioner was sent back to the original post of Teacher.

3. The contention of the petitioner is that the petitioner is more qualified than one Smt. Kshama Sharma, on whose representation the review DPC was convened. According to the petitioner, the petitioner has successfully undertaken the training required for the said promotion, which Smt. Kshama Sharma does not have. So far as the fact that the said Smt. Kshama Sharma being senior, there is no quarrel made by the petitioner to that effect.
4. Given the said facts, this Court is of the opinion that since the petitioner was not granted an opportunity of hearing before the impugned order was passed, ends of justice would meet if the petitioner is given an opportunity of hearing by the respondent No.1, so as to prove her case that the petitioner was eligible for promotion ahead of Smt. Kshama Sharma.
5. Let the petitioner approach the respondent No.1 by making a fresh representation within a period of 10 days from today and thereafter the respondent No.1 shall call upon the petitioner and after giving an opportunity of hearing, pass a fresh order deciding the *inter se* claim between the petitioner and Smt. Kshama Sharma.
6. Let this exercise be concluded within a period of 45 days from the date of receipt of the representation by the petitioner.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge