

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPS No. 4996 of 2009

- Smt. Kiran Tripathi W/o Shri Prem Prakash Tripathi, Assistant Teacher, Aged about 42 years, Assistant Teacher, Govt. Multipurpose Higher Secondary School, Ambikapur, Distt. Surguja, C.G.

---- Petitioner

Versus

1. State of Chhattisgarh Through: Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.).
2. The District Education Officer, Ambikapur, District Surguja (C.G.).
3. The Commissioner, Public Instruction, Directorate Raipur (C.G.).
4. S.K. Gupta, S/o not known to the petitioner, Upper Division Teacher, Middle School, Kedarpur, Block-Ambikapur, District-Surguja (C.G.).

---- Respondents

For Petitioner	:-	None
For Respondent-State	:-	Shri Chitendra Singh, PL

Order On Board ByPrashant Kumar Mishra, J.12/09/2019

1. No one appears for the petitioner, however, the matter being 10 years old, I have perused the record and heard learned State counsel.
2. Petitioner has preferred this writ petition seeking promotion

to the post of Upper Division Teacher (in short "U.D.T.") on the ground that Respondent No.4 being junior to her has been promoted ignoring her seniority.

3. In the return filed by the State, it is stated that petitioner was teaching Arts Subjects and is not qualified to hold the promotion post of U.D.T. (Science). The Respondent No.4 being a Science teacher was promoted to the vacant post of U.D.T. (Science), therefore, both of them belonging to different discipline the present is not a case where the petitioner has been superseded .
4. The stand taken in the return appears to be just and proper. If the post of U.D.T. is to be filled up streamwise and post of U.D.T. (Arts) is not available, the petitioner cannot claim promotion merely because she is senior to the Respondent No.4, who is a Science teacher and has been promoted because the post of U.D.T. (Science) was available for promotion.
5. There is no substance in the writ petition, it fails and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit