

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3226 of 2019

Satte Ram Mandavi S/o Shri Narsingh Mandavi Aged About 52 Years
Presently Working As Peon At Government Hr. Sec. School, Chawand,
Block - Narharpur, District Kanker Chhattisgarh., District : Kanker,
Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, School Education
Department Mahanadi Bhawan, Atal Nagar, New Raipur, Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector, Kanker, District Kanker Chhattisgarh., District : Kanker,
Chhattisgarh
3. Assistant Commissioner, Tribal Welfare Department, Kanker District
Kanker Chhattisgarh., District : Kanker, Chhattisgarh
4. District Education Officer, Kanker, District Kanker Chhattisgarh., District :
Kanker, Chhattisgarh

---- **Respondents**

For petitioner	:	Shri Somkant Verma, Advocate.
For State	:	Ms. Astha Shukla, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/05/2019.

1. Instant writ petition under Article 226 of the Constitution has been filed by the petitioner with a limited prayer that the respondents authorities may be directed to consider and decide the representation of the petitioner so far his claim of promotion from the post of Class IV to the post of Assistant Grade -III is concerned.
2. Counsel for the petitioner submits the petitioner is working with the respondents-authorities since 2003 and he has all eligibility for being

considered for promotion to the post of Assistant Grade-III. He further submits that apart from eligibility criteria, the petitioner is also one of the senior most employees for being considered for promotion on the post of Assistant Grade-III. He also submits that though the vacancies are available in the Department but yet respondents authorities are not taken any steps so far as claim of the petitioner for promotion is concerned. Lastly he contended that earlier similarly situated employees have filed petition bearing W.P. (S) No.290/2015, in which the coordinate Bench of this Court on 29.01.2015 while accepting the request of the petitioner, directed the petitioner to approach the respondents by way of representation along with the copy of the order of this Court and, in turn the respondent No. 2 was directed to consider and pass appropriate order subject to availability of vacancyeligibility and suitability of the petitioner.

3. Counsel for the State, at this juncture, would submit that he has no objection if the claim the petitioner has to be considered subject to availability of the posts, entitlement and eligibility of the petitioner in light the order passed by the Coordianate Bench of the Court passed in W.P. (S)No.290/2015 on 29.01.2015.

4. Accordingly, instant writ petition is disposed of with a direction to the petitioner to make fresh representation to the respondent No. 2 for redressal of his grievances; and on such representation is being made, the respondents authorities are directed to pass appropriate order in accordance with law on its own merit within a period of four months from the date of receipt of copy of this order. It is made clear, if the representation is to be rejected, the respondents authorities shall pass an speaking order disclosing disentitlement of the petitioner.

5. With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
JUDGE