

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6377 of 2019**

Dev Narayan Sahu S/o Shri Harihar Prasad Sahu Aged About 61 Years
 Posted As Head Master At Government Middle School Gatadih Block
 Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh R/o Village
 Dhobani, Tahsil Bilaigarh District Baloda Bazar-Bhatapara Chhattisgarh,
 District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanandi Bhawan, Naya Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Director Directorate Of Public Instruction Indrawati Bhawan, Block-III, 1st Floor Atal Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. District Education Officer Baloda Bazar-Bhatapara District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ghanshyam Kashyap, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/08/2019**

1. The grievance raised by the petitioner in the present writ petition is to the inaction on the part of the respondents in granting promotion to the petitioner on the Post of Lecturer. The denial is on the ground that petitioner is not a trained teacher.
2. Counsel for the petitioner relied upon the instructions/circular dated 22.11.1979 whereby it has been held that in the event an untrained teacher crosses the age of 50 years and also 20 years of service, he shall be deemed to be a trained teacher and his case can be considered for next promotion.

3. Given the aforesaid facts and circumstances of the case and particularly taking into consideration the length of service of the petitioner and age of the petitioner and circular of the respondents dated 22.11.1979, ends of justice would meet if the respondent No. 2 and 3 are directed to consider the case of the petitioner for promotion in terms of circular dated 22.11.1979.
4. Perusal of the record would show that petitioner's name for promotion on an earlier occasion in the year 2014 was rejected. However, while rejecting the same the circular dated 22.11.1979 was not taken note of or at least it is not reflected in the said order of having been considered. Respondents now when they shall consider the case of the petitioner would deal with the said circular dated 22.11.1979.
5. Let petitioner approach respondent No. 2 & 3 in this regard by moving appropriate representation within a period of two weeks from the date of receipt of copy of this order. Respondent No. 2 & 3 in turn shall consider and decide the representation keeping in view the circular dated 22.11.1979 within a further period of three months from the date of receipt of the representation.
6. With the aforesaid directions, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge