

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 606 of 2020

- Poonam Gupta D/o Nand Lal Gupta Aged About 36 Years Posted And Working As Assistant Teacher (L.B.), Primary School Gaderipara (Trishuli), Block Ramchandrapur, District Balrampur-Ramanujganj Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through, The Secretary- School Education Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Collector District- Balrampur-Ramanujganj Chhattisgarh
3. District Education Officer District Balrampur- Ramanujganj Chhattisgarh
4. Chief Executive Officer Block Ramchandrapur, District Balrampur-Ramanujganj Chhattisgarh

--- Respondents

For the Petitioner : Shri Govind Ram Miri and Shri Basant Kaiwartya
Advocate.

For the Respondents/ State : Shri Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.01.2020

Heard.

1. The grievance ventilated through this petition is on account of non-m consideration of petitioners' case for promotion on the next higher post of Teacher (Panchayat).
2. Learned counsel for the petitioner submits that the petitioner is in public employment with avenue of promotion provided under the Govt. recruitment rules known as Chhattisgarh Teacher (Panchayat) Cadre Recruitment and Conditions of Service) Rules, 2012. It is submitted that the petitioner has

completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant.

3. Learned counsel for the State submits that this grievance can be ventilated by the petitioner invoking the remedy of statutory representation to the competent authority as provided under Rule 18 (1) (b) of the Panchayat Service (Discipline and Appeal) Rules, 1999 (for short “ the Rules of 1999 ”). A perusal of the aforesaid Rule clearly provides that a member of the Panchayat Service may make representation against an order which amongst others, denies promotion to a higher post or service to which is otherwise eligible according to recruitment rules and which is due to him in accordance to seniority.
4. This Court, in similar cases, has already disposed off the petition with a direction to consider representation in terms of statutory rules.
5. Accordingly, this petition is also disposed off with a direction that in case the petitioner prefers a representation, the same shall be considered and decided by the authority by speaking order within a period of 6 months from the date of receipt of representation.

Sd/-
(GOUTAM BHADURI)
JUDGE