

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1187 of 2020**

Yogendra Kumar Padwar, S/o. Late Shri Resham Das Padwar, Aged About 51 Years, Working As Lecturer (Panchayat) Posted At Government High School Bhatgaon, Block- Bilaigarh, District- Baloda Bazar Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through - Secretary, Department Of Education Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur, Chhattisgarh.
2. Joint Director, Public Instruction Raipur, District- Raipur, Chhattisgarh.
3. District Education Officer, Baloda Bazar Bhatapara, District- Baloda Bazar Bhatapara, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State/Respondents	:	Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

24.02.2020

1. Grievance of the petitioner is that the petitioner was appointed as Assistant Teacher on 06.01.1969 and was subsequently promoted as Teacher on 27.09.2008. Thereafter, on 23.11.2011 the similarly situated persons from Teachers were promoted as Headmaster, Middle School, however, inadvertently the in promotional list, the name of the petitioner was left out.
2. Learned counsel for the petitioner submits that the petitioner made correspondence and eventually it was found that the petitioner's name was inadvertently left out in the promotional list. Thereafter, after verification by Annexure P-1 dated 11.06.2019 a letter was written by the District Education Officer, Balodabazar-Bhatapara to the Joint Director, Public Instructions narrating the fact that the petitioner's name was inadvertently left out from the promotional list on 23.11.2011;

therefore, the petitioner may be provided the seniority and the benefit of pay scale by granting him promotion from the back date. It is contended that the said letter is still being undecided lying at the end of the respondent No.2, Joint Director, Public Instructions, Raipur. Therefore, the respondent No.2 may be directed to decide the communication and grant the benefit of promotion and pay-scale to the petitioner.

3. Perusal of the document shows that the recommendation was made by the District Education Officer that the name of the petitioner Yogendra Kumar Padwar has been inadvertently left out from the promotional list of 23.11.2011. Therefore, after verification it was recommended that the petitioner be granted the seniority and benefit of pay scale as the other juniors have been getting and the petitioner for no rhyme and reason has been deprived. Prima facie, as per the communication dated 11.06.2019, it appears that the recommendation to the extent to promote the petitioner has already been made by the District Education Officer. Since considerable time have passed and the District Education Officer finally arrived at a conclusion that the petitioner be promoted and made a communication, the respondent No.2 / Joint Director, Public Instructions, is directed to take a decision on the communication and the finding arrived at by the District Education Officer and issue suitable orders within a period of 90 days from the date of receipt of a copy of this order and accord the necessary benefit to the petitioner as per the communication dated 11.06.2019.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

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