

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3294 of 2020

1. Jagrup Yadav S/o Late Dharamu Ram Yadav, Aged About 48 Years Presently Working On The Post Of Peon, Government Tribes Higher Secondary School, Baikunthpur, Block Baikunthpur, District Koriya Chhattisgarh
2. Ram Udit Yadav, S/o Shri Rameshwar Prasad Yadav, Aged About 51 Years Presently Working On The Post Of Peon, Government Girls Higher Secondary School, Chirmiri, Block Khadgawan, District Koriya Chhattisgarh.
3. Kaushal Kishor S/o Late Tusra Prasad, Aged About 51 Years Presently Working On The Post Of Peon, Government Higher Secondary School Domanhill, Block Khadgawan, District Koriya Chhattisgarh.
4. Shiv Prasad Rajwade S/o Shri Shiv Kumar, Aged About 55 Years Presently Working On The Post Of Peon, Government Girls Pre Secondary School, Kharwat, Block Baikunthpur, District Koriya Chhattisgarh.
5. Shivshankar Prasad S/o Late Shivcharan Singh, Aged About 50 Years Presently Working On The Post Of Peon, Government Higher Secondary School, Khadgawan, Block Khadgawan, District Koriya Chhattisgarh.
6. Ram Sahay Ram S/o Late Lidu Ram, Aged About 46 Years Presently Working On The Post Of Peon, Government Model Higher Secondary School, Baikunthpur, Block Baikunthpur, District Koriya Chhattisgarh.
7. Dharendra Kumar Dubey S/o Ram Narayan Dubey, Aged About 43 Years Presently Working On The Post Of Peon, Government Girls Middle Higher Secondary School, Baikunthpur, Block Baikunthpur District Koriya Chhattisgarh.
8. Dashrath Mishra S/o Late Gopinath Mishra, Aged About 52 Years Presently Working On The Post Of Peon, Government Girls Higher Secondary School, Janakpur, Block Bharatpur District Koriya Chhattisgarh.
9. Chhabilal Singh, S/o Shri Bhupat Singh Late Gopinath Mishra, Aged About 53 Years Presently Working On The Post Of Peon, Government Pre Secondary School, Bharatpur, Block Bharatpur, District Koriya Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Ministry At Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Its Secretary, Department Of Schedule Tribes And Schedule Caste Development, Ministry At Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
3. Director, Directorate Of Public Education, Indrawati Bhawan, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh
4. Collector Baikunthpur, District Koriya Chhattisgarh
5. District Education Officer, Baikunthpur, District Koriya Chhattisgarh
6. Assistant Commissioner (Tribal) Baikunthpur, District Koriya Chhattisgarh.

7. Principal, Government Tribal Higher Secondary School, Baikunthpur, District Koriya Chhattisgarh.
8. Principal, Government Girls Higher Secondary School, Chirmiri, District Koriya Chhattisgarh
9. Principal, Government Higher Secondary School, Domanhill, District Koriya Chhattisgarh.
10. Principal, Government Girls Pre Secondary School, Kharwat, District Koriya Chhattisgarh.
11. Principal, Government Higher Secondary School, Khadgawan, District Koriya Chhattisgarh.
12. Principal, Government Model Higher Secondary School, Baikunthpur, District Koriya Chhattisgarh.
13. Principal, Government Higher Secondary School, Baikunthpur, District Koriya Chhattisgarh.
14. Principal, Government Girls Higher Secondary School, Baikunthpur, District Koriya Chhattisgarh.
15. Principal, Government Pre Secondary School, Baikunthpur, District Koriya Chhattisgarh.

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For Petitioner	:	Mr. Jai Prakash Shukla, Advocate.
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

21.08.2020

Heard

1. The grievance of the petitioners is that the petitioners were appointed in between the period from 1989 to 1996 and they were regularized in the year 2008. The persons who were subsequently appointed in daily wages in 2014 and were regularized in 2015 have been placed above the petitioners ignoring their seniority.
2. Learned counsel for the petitioner submits that before the promotions are effected, the seniority and gradation list needs to be amended and corrected. He further submits that in order to correct the same, the petitioners have filed an application on 22.05.2020 and 13.07.2020

(Annexure P-9) to correct the gradation list and the seniority. He referred to Annexure P-1 dated 19.05.2020 which purports that the objection before the gradation list and seniority list are finalized should be considered.

3. State counsel submits that the petition is premature as the opportunity has already been provided by Annexure P-1 to raise the objection.
4. Perusal of the letter dated 19.05.2020 (Annexure P-1) would show that in order to correct the seniority list, the objections have been invited up-till 01.06.2020 so that the seniority list can be prepared. Since the petitioners at very inception have claimed that they are senior which is projected by Annexure P-9 and the objections which have already been filed, still the grievance of the petitioners is within the domain of District Education Officer to finalize the gradation list according to the seniority. Therefore, as per the letter Annexure P-1 dated 19.05.2020 since the objections are invited for consideration with respect to the finalization of the list of seniority amongst the employee of the department, at this stage, the instant petition is premature. It is expected that the District Education Officer shall finalize the list of seniority after closed scrutiny of the papers of individual and if a person is entitled to seniority, he should be placed in the seniority list above the person who were regularized subsequently, in accordance with law.
5. With the aforesaid observation, the writ petition stands disposed off.

**Sd/-
Goutam Bhaduri
Judge**

Aks