

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 751 of 2020**

1. Chandrakant Dubey S/o Ghanshyam Prasad Dubey Aged About 59 Years Working As Head Master, Govt. Middle School, Amlidih, Block Gharghoda , District Raigarh Chhattisgarh.
2. Sitaram Rathiya S/o Dilsai Rathiya Aged About 60 Years Working As Head Master, Govt. Middle School , Jhariyapali, Block Gharghoda , District Raigarh Chhattisgarh.
3. Smt. Silwanti Xalxo D/o Joseph Xalxo Aged About 55 Years Working As Head Master, Govt. Middle School , Bhengari, Block Gharghoda , District Raigarh Chhattisgarh.
4. Smt. Shanti Minj W/o Maksi Minj Aged About 57 Years Working As Head Master, Govt. Middle School , Nawapara (Tenda), Block Gharghoda , District Raigarh Chhattisgarh.
5. Lochan Prasad Patel S/o Vijay Lal Patel Aged About 55 Years Working As Head Master, Govt. Middle School , Raykera, Block Gharghoda , District Raigarh Chhattisgarh.
6. Shiv Prasad Tiwari S/o Radheshyam Tiwari Aged About 58 Years Working As Head Master, Govt. Boys Middle School Gharghoda, Block Gharghoda , District Raigarh Chhattisgarh.
7. Chunnilal Matri S/o Prahlad Singh Matri Aged About 55 Years Working As Head Master, Govt. Middle School , Chhote Gumda, Block Gharghoda , District Raigarh Chhattisgarh.
8. Vidyasagar Tripathi S/o Ishwar Dutt Tripathi Aged About 59 Years Working As Head Master, Govt. Middle School , Bhalumar, Block Gharghoda , District Raigarh Chhattisgarh.
9. Chamar Singh Sidar S/o Hanu Sidar Aged About 60 Years Working As Head Master, Govt. Middle School , Chintapani, Block Gharghoda , District Raigarh Chhattisgarh.
10. Mangleshwar Mahant S/o Harikrishna Mahant Aged About 56 Years Working As Head Master, Govt. Middle School , Danout, Block Gharghoda , District Raigarh Chhattisgarh.
11. Ramkumar Chouhan S/o Laxman Prasad Chouhan Aged About 54 Years Working As Head Master, Govt. Middle School Assistant Project Coordinator, Block Raigarh , District Raigarh

Chhattisgarh.,

12. Balram Mishra S/o Bhajman Mishra Aged About 57 Years Working As Head Master, Govt. Middle School , Baihamuda, Block Gharghoda , District Raigarh Chhattisgarh.
13. Lalit Singh S/o Baleshwar Rai Aged About 58 Years Working As Head Master, Govt. Middle School , Dhangarpara Gharghoda, Block Gharghoda , District Raigarh Chhattisgarh.
14. Harishchandra Sao S/o Balaram Sao Aged About 56 Years Working As Head Master, Govt. Middle School , Nawagarh Block Gharghoda , District Raigarh Chhattisgarh.
15. Sundarmani Kaundh S/o Tandaram Kaundh Aged About 56 Years Working As Head Master, Govt. Middle School , Chotigudha, Block Gharghoda , District Raigarh Chhattisgarh.
16. Toran Singh Sidra S/o Memsingh Sidar Aged About 56 Years Working As Head Master, Govt. Middle School , Jhingol, Block Tamnar , District Raigarh Chhattisgarh.

---- Petitioners

Versus

- Shri Jitendra Shukla Director, Public Instruction, Directorate , Indravati Bhawan, Atal Nagar , Nava Raipur, District Raipur Chhattisgarh.

---- Respondent

For Petitioners : Mr. C. Jayant K. Rao, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order

13-10-2020

1. Heard.
2. Learned counsel for the petitioners submits that by order dated 3-12-2019 in WPS No. 9991 of 2019, the following order was passed.

“03/12/2019.

Shri CJK Rao, counsel for the petitioners.

Shri Ravish Verma, GA for the State.

Heard.

Learned counsel for the petitioners would submit that in order to get the promotion to the post of Principal according to the Chhattisgarh Scheduled Castes and Scheduled Tribes Development Department Education Cadre(Gazetted) Service Recruitment Rules, 2011 the feeding cadre of the Principal is 75% from the Lecturer and the Headmaster who are holding the PG degree. It is contended that earlier on 17.12.2018 a joint list was prepared of Lecturer and Headmaster. However, subsequent to it by Annexure P-1 a separate list of Lecturers have been prepared, thereby right for consideration for the promotion of the petitioners would be defeated as the petitioners are Headmasters holding PG, who are also eligible for considerations.

Perused the Rules, 2011 as also the Schedule II. Earlier a joint gradation list was prepared of Lecturer and Headmasters in the year 2018. Subsequently, a separate gradation list in respect of the Lecturer have been prepared.

Learned State counsel prays time to file reply.

In the meanwhile, it is directed that till the interim application is decided on merits, only on the basis of the fresh gradation list of the Lecturers depriving the petitioners for consideration of the promotion, the same shall not be given effect to.

List it after six weeks”.

3. Learned counsel for the petitioners submits that again the respondents have prepared the gradation list of Lecturers alone depriving the Head Masters for consideration of

promotion. He referred to Annexure C/3 and would submit that the first gradation list only of the Lecturers has been prepared.

4. Reading of the order dated 3-12-2019 (Annexure C/1) would show that the restraint order was passed only on the basis of the gradation list of the Lecturers promotion may not be done. Nothing is placed on record by the petitioner to show that the promotion is now being considered only for the Lecturers leaving the petitioners.
5. The petition is completely vague, therefore, at this stage, no case of deliberate disobedience of the order is made out. Accordingly, this contempt petition is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju