

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4568 of 2020**

1. Satish Kumar Patel, S/o Shri Janak Ram Patel, Aged About 45 Years, Presently Posted As Peon At Government Higher Secondary School Urba, Block Tamnar District Raigarh, Chhattisgarh, R/o Vilage Budiya, Tahsil Tamnar, District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Tribal Caste And Schedule Caste Development Department Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Rakhi, District : Raipur, Chhattisgarh
2. Commissioner, Tribal Caste And Schedule Caste Development Department Mantralaya Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. Director, Directorate of Public Instruction Raipur, District : Raipur, Chhattisgarh
4. Collector, Tribal Development, District : Raigarh, Chhattisgarh
5. District Education Officer, District : Raigarh, Chhattisgarh
6. Assistant Commissioner, Tribal Development, District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ghanshyam Kashyap, Advocate on behalf of Mr. Ashutosh Mishra, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01.12.2020**

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not considering the case of the petitioner for promotion from Class-IV to Class- III category.

2. According to the counsel for the petitioner, the petitioner fulfills all the eligibility criteria for being promoted. However, the petitioner's candidature has been rejected only on the ground that the ACRs as also his property details has not been received by office of the District Education Officer. The counsel for the petitioner submits that the petitioner has all the requisite documents. Details of the property as also the ACRs are duly submitted to the Principal where the petitioner was working and the Principal also has forwarded the same to the concerned District Education Officer vide order dated 02.05.2020 but till date, the authorities have not taken any decision on the same. The only apprehension of the petitioner is that the authorities concerned may not accept the said documents for the purpose of granting promotion to the petitioner the claim of the petitioner would be rejected in the absence of these material documents.
3. Learned Additional Advocate General submits that subject to verification of the fact, whether the petitioner's ACRs as also the property details have been forwarded by the Principal to the District Education Officer or not? The case of the petitioner shall be considered by the authorities in-accordance-with law; so far as grant of promotion is concerned from Class IV to Class III is concerned. Learned Additional Advocate General also submits that apart from the aforesaid requirement, the petitioner would also have to fulfill the other eligibility criteria which are there under the rules governing the field.
4. Given the aforesaid facts and circumstances of the case, the writ petition at this juncture stands disposed off directing the respondent authorities to consider the case of the petitioner on its own merits and

his candidature should not be rejected only on the ground of non-availability of the ACRs as also the property details which according to the petitioner has been duly forwarded by the Principal to the District Education Officer vide his correspondence dated 02.05.2020 which shall also be taken into consideration by the concerned authorities in the process of promotion.

5. With the aforesaid direction, the present writ petition stands disposed off.

Sd/-
P. Sam Koshy
JUDGE

Rahul