

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP(S) No. 1700 of 2021**

1. Dr. Sushma Shankar Ramteke D/o Late Shri Shankar Ramteke Aged About 36 Years Assistant Professor, General Surgery, Government Medical College, Raigarh., District : Raigarh, Chhattisgarh
2. Dr. Shobit Kumar Mane S/o Shri G.D. Mane Aged About 41 Years Assistant Professor, General Surgery, Government Medical College, Raigarh., District : Raigarh, Chhattisgarh
3. Dr. Dipika Singh D/o Shri Ram Bihari Singh Aged About 34 Years Assistant Professor, Obes. And Gynic. Government Medical College, Raigarh., District : Raigarh, Chhattisgarh
4. Dr. Vimal Chandra Bhagat S/o Shri Rajendra Ram Bhagat Aged About 34 Years Assistant Professor, Psychitry, Government Medical College, Raigarh., District : Raigarh, Chhattisgarh
5. Dr. Ganesh Patel S/o Shri T.R. Patel Aged About 34 Years Assistant Professor, Respiratory Medicine, Government Medical College, Raigarh., District : Raigarh, Chhattisgarh
6. Dr. Jitendra Kumar Nayak S/o Shri Kripasindhu Nayak Aged About 37 Years Assistant Professor, General Medicine, Government Medical College, Raigarh., District : Raigarh, Chhattisgarh
7. Dr. Ashish Baghel S/o Shri Vijay Baghel Aged About 37 Years Assistant Professor, Community Medicine Government Medical College, Raigarh., District : Raigarh, Chhattisgarh
8. Dr. Manish Goyal S/o Shri Brijmohan Goyal Aged About 38 Years Assistant Professor, Physiology Government Medical College, Ambikapur., District : Surguja (Ambikapur), Chhattisgarh
9. Dr. Sagarika Pradhan D/o Shri Sukhadev Pradhan Aged About 43 Years Assistant Professor, Microbiology Chhattisgarh Institute Of Medical Sciences, Bilaspur., District : Bilaspur, Chhattisgarh
10. Dr. Monika Mahilonge D/o Shri Sharad Kumar Mahilonge Aged About 36 Years Assistant Professor, Ophtalmology Chhattisgarh Institute Medical Sciences, Bilaspur., District : Bilaspur, Chhattisgarh
11. Dr. Anil Kumar Singh S/o Late Kaushalkishore Singh Aged About 38 Years Assistant Professor, Microbiology, Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
12. Dr. Surjit Singh S/o Shri B.R. Kunjam Aged About 38 Years Assistant Professor, Ent Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
13. Dr. Kamleshkumar Dhruv S/o Shri Pardeshi Ram Dhruv Aged About 43 Years Assistant Professor, General Surgery, Lt.B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
14. Dr. Indu Sharma W/o Dr. Hemant Sharma Aged About 36 Years Assistant Professor, Obes. And Gynec. Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
15. Dr. Deepika Dhruv D/o Ramdeen Dhruv Aged About 35 Years Assistant Professor, Pathology, Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh

16. Dr. Nitya Thakur D/o Shri B.R. Mandavi Aged About 36 Years Assistant Professor, Pathology, Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
17. Dr. Amardeepak Toppo S/o Shri Martin J. Toppo Aged About 34 Years Assistant Professor, Chest And T.B. Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
18. Dr. Dhannu Ram Mandavi S/o Shri Dashrath Ram Mandavi Aged About 37 Years Assistant Professor, Paediatrics Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
19. Dr. Kalpana Nayak D/o Shri Abhimanyu Nayak Aged About 40 Years Assistant Professor, Pathology Lt. B.R.K.M. Government Medical College, Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh

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Versus

1. State Of C.G. Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. The Director Directorate Of Medical Education, Indravati Bhawan, Atal Nagar Naya Raipur, District Raipur Chhattisgarh. ---- **Respondents**

For Petitioner	:	Mr. Prafull N. Bharat, Advocate.
For State	:	Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/04/2021

1. The grievance of the petitioners in the present writ petition is that the petitioners are all working as regular Assistant Professors under the respondents. The respondents have now initiated a promotion process for filling up of the post of Associate Professor.
2. According to the counsel for the petitioners, petitioners are working under the respondents as regular Assistant Professors since 19.06.2017. It is also the contention of the learned counsel for the petitioners that all the petitioners were on an earlier occasion appointed on contractual basis as Assistant Professors in between 2013 to 2016 and subsequently, working on the post of contractual

Assistant Professors, they were appointed as regular Assistant Professors by the respondents.

3. The grievance of the counsel for the petitioners at this juncture is only to the extent that in-terms-of the policy decision of the State Government dated 13.08.2015 (Annexure P/4), the services rendered by the petitioners as Assistant Professors (Contractual) be also counted for the purpose of total length of service required for promotion to the next higher post, which in the instant case is four years of service.
4. At this juncture, the Learned Dy. Advocate General submits that there does not seem to be any denial by the respondents so far as their claims are concerned. Therefore, it has to be presumed that the claim of the petitioners shall be considered in the light of Annexure P/4 dated 13.08.2015.
5. Given the said submission by the Learned State Counsel, the writ petition at this juncture is disposed of directing the respondent authorities to consider the claim of the petitioners for promotion to the post of Associate Professors keeping in view the policy decision of the State Government dated 13.08.2015 (Annexure P/4). The circular or for that matter, the rules do not anywhere prescribed that there has to be a regular service of more than four years enabling them to be entitled for promotion to the post of Associate Professors particularly, keeping in view the fact that the Government itself vide a policy decision (Annexure P/4) have decided to consider the prior services on contractual basis rendered prior to their regular appointment under the respondents as experience for the purpose of promotion.

6. Let the authorities concerned take an appropriate decision in the light of the observation made in the preceding paragraphs. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha