

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2201 of 2021

Vinod Ram Nishad S/o Dayaram Nishad, Aged About 39 Years Working As Assistant Grade - 3, Government Higher Secondary School, Jumaikela, Block - Kansabel, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Atal Nagar, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The District Education Officer, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
3. Uday Kumar Yadav, Working As Assistant Grade -2, Government Higher Secondary School, Bangaon (B), Block - Patthalgaon, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
4. Vijendra Prasad Kaiwart, Posted As Assistant Grade -2, Government Girls Higher Secondary School, Kansabe, Block - Kansabel, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/04/2021

1. The grievance of the petitioner in the present writ petition is the super-session of the petitioner in promotion to the post of Assistant Grade-II.
2. According to the petitioner, the petitioner along with the private respondents No.3 & 4 were appointed vide the same order dated 16.10.2012. The petitioner was senior to the private respondents No. 3 & 4 and in the periodical gradation list that were published, the name of the petitioner appeared ahead of the respondents No.3 & 4.

It is the further contention of the petitioner that as on date the petitioner stand disqualified from being considered for promotion on account of either any disciplinary proceedings pending against him or on account of any criminal case pending against him or for any other reason as such. Moreover, according to the petitioner, the private respondents No. 3 & 4 are also belonging to the same category to which the petitioner belonged. Yet the respondents have shown undue favour in favour of the respondents No.3 & 4 while granting promotion to the post of Assistant Grade-II from the post of Assistant Grade-III.

3. Considering the nature of dispute that the petitioner had, let the petitioner, in addition to any representation that he has made to the authorities concerned, make a fresh representation to the respondents No. 1 & 2 within a period of 3 weeks from today and the respondents No. 1 & 2 shall consider the representation in accordance with law dealing with seniority on its own merits after due verification of the service records at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
4. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved