

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2584 of 2021**

1. Gyanchand Chandra S/o Vivek Das Chandra Aged About 55 Years Working As Upper Division Teacher Govt. Middle School, Halahuli, Kharsiya, District Raigarh Chhattisgarh
----- **Petitioner**

Versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar Naya Raipur District Raipur Chhattisgarh
2. Joint Director Education Division, Bilaspur Chhattisgarh
3. District Education Officer Raigarh District Raigarh Chhattisgarh

-----Respondents

For Petitioner	:	Shri Tarendra Kumar Jha, Advocate.
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.06.2021**

1. The grievance of the petitioner in the present writ petition seems to be the inaction on the part of the respondents in leaving out the petitioner for being considered for promotion to the post of Headmaster of Middle School.
2. The facts in brief are that the petitioner was working under the respondents as an Upper Division Teacher and was posted at Government Middle School, Halahuli, District Raigarh. Since the petitioner by virtue of his merits eligible for promotion to the post of Headmaster, he was considered and an order of promotion was issued on 28.03.2018. Upon promotion, the petitioner was ordered to be posted as Headmaster at the Government Middle School Karwarjor

Lailunga, District Raigarh. According to the Counsel for the petitioner, because of certain family compulsions, the petitioner could not join at the promoted place of posting and he continued to discharge his duty at the Government Middle School at Halahuli, District Raigarh. In the process, he had foregone his promotion.

3. According to the counsel for the petitioner, as per the guidelines and circulars of the State Government, a person who has foregone his promotion would be eligible for further being considered for promotion only after an interval of one year. Thus, according to the petitioner, he became eligible for promotion after a period of getting completed from 28.03.2018 i.e. on 28.03.2019 beyond which, he would be eligible for being again considered for promotion. According to the petitioner, inspite of he being again eligible for promotion after 28.03.2019, the respondents have recently passed an order of promotion but the name of the petitioner has been left out and names of 'persons' junior to the petitioner stand reflected in the said order. According to the petitioner, he has already approached the authorities concerned requesting the respondents to reconsider the claim of the petitioner for promotion, however the same till date has not been acceded to.
4. The State Counsel at this juncture submits that let the matter be disposed of at this juncture directing the case of the petitioner to be scrutinized at the level of the respondents No. 2 & 3 so as to consider whether the petitioner would be entitled for promotion or not after having foregone his promotion granting to him 28.03.2018.
5. With the aforesaid submission made by the counsel for the state, at this juncture the writ petition is disposed of directing the petitioner to approach the respondents No. 2 & 3 afresh by making a detailed

representation supported with all relevant and cogent documents and the respondents No. 2 & 3 intum shall duly consider his representation and consider whether he would be entitled for promotion along with others at par with those who have been promoted vide promotion order dated 19.03.2021. Let an appropriate decision be taken at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

6. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge