

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2756 of 2021**

Nageshwar Netam S/o Shri Dashrath Netam, Aged About 27 Years
Working As Peon, Community Health Center, Makdi, District
Kondagaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh
2. The Joint Director, Health Services, Bastar Division, Jagdalpur, District Bastar, Chhattisgarh
3. The Collector, District Kondagaon, Chhattisgarh
4. The Chief Medical And Health Officer, Kondagaon, District Kondagaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. D. N. Prajapati, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.06.2021**

1. The grievance of the petitioner in the present writ petition is the alleged action on the part of the respondents where the petitioner has been deprived of his chance for being considered for promotion to the post of Assistant Grade-III among the quota fixed for the departmental Class-IV employees for their promotion.
2. The contention of the learned counsel for petitioner is that the claim of petitioner has been left out only on account of the inaction on the part of the respondents in not properly entering the educational qualification of the petitioner in his service record. He submits that this fact was

brought to the notice of the authorities concerned wherein they have accepted the same and subsequently proper educational qualification have been entered in his service book. The petitioner now only wants the authorities to consider whether he would be entitled for promotion from Class-IV to Class-III cadre among the quota fixed for the departmental Class-IV category employees or not. It is further contended that some of the juniors have already been considered for promotion from the same category, however, because of certain litigation arising out of the promotion process already conducted, the whole promotion process itself has been stalled and therefore the respondents may be directed to take a proper decision in the case of the petitioner also at the earliest.

3. Given the limited grievance that the petitioner has and also considering the amendment that has been carried out by the department in the service book of the petitioner so far as his educational qualification is concerned, let the respondents 2 & 4 reconsider the claim of the petitioner deciding his eligibility for promotion from Class-IV to Class-III cadre at par with the juniors who have been considered for promotion. Let an appropriate decision be taken in this regard by the respondents 2 & 4 at the earliest preferably within a period of 90 days from the date of receipt of copy of this order. The claim of the petitioner be decided at par with the persons who have been promoted on 12.09.2018 (Annexure P-3).
4. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**