

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4351 of 2021**

1. Babul Chandra Sheel S/o Late Shri Gopal Chandra Sheel, Aged About 59 Years
2. Vishnupad Vaishnav S/o Shri Ashwani Baishnav, Aged About 59 Years
3. Ratna Majumdar D/o Late Shri Sunil Chandra Das, Aged About 60 Years
4. Ranjan Kumar Das S/o Late Shri Sunil Chandra Das, Aged About 61 Years
5. Bijan Bihari Mandal S/o Late Shri Bankim Chandra Mandal, Aged About 61 Years
6. Amita Das W/o Mr. Ranjan Kumar Das, Aged About 53 Years
7. Tarakbairagi S/o Late Shri Surendra Bairagi, Aged About 53 Years
8. Pijushkanti Das S/o Late Shri Ramesh Chandra Das, Aged About 55 Years
9. Yajendra Kumar Sinha S/o Late Shri Bali Ram Sinha, Aged About 57 Years
10. Mihir Kanti Mandal S/o Late Shri Sharat Chandra Mandal, Aged About 56 Years
11. Shailesh Kumar Bishwas S/o Late Shri Rajendra Nath Biswas, Aged About 55 Years
12. Nikhil Chandra Bhowmik, S/o Late Shri Sharat Chandra Bhowmik, Aged About 53 Years
13. Manju Naag W/o Mr. Mahipal Singh Naag, Aged About 52 Years
14. Dhansingh Baghel S/o Late Shri Nagoram Baghel, Aged About 52 Years
15. Mahipal Singh Naag S/o Late Shri Somaru Ram Nag, Aged About 55 Years
16. Hemangini Sarkar S/o Late Shri Chandra Kant Sarkar, Aged About 51 Years

17. Dipendra Lal Ray S/o Late Shri Debbrat Roy, Aged About 52 Years
18. Pushpa Rani Malakar D/o Late Shri Prafulya Malakar, Aged About 61 Years
19. Renu Majumdar S/o Late Shri Umesh Chandra Majumdar, Aged About 55 Years

All of them Posted As Lecturer In Government High Schools, Post And Tehsil Pakhanjore, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Tribal And Scheduled Caste Development, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Secretary, Department Of School Education, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
3. Director, Directorate Of School Education, Mantralaya, Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh

----Respondents

For Petitioners	:	Mr. Kishore Bhaduri, Sr. Advocate along with Mr. Pankaj Singh, Advocate
For State	:	Ms. Abhyunnati Singh, P.L.

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

31/08/2021

1. Aggrieved by the gradation list published on 09.04.2021 by the respondent No.3 the present writ petition has been filed. All the petitioners in the present writ petition are presently working on the post of Lecturer, Government High School.

2. The grievance of the petitioner is that in the course of publication of the gradation list, the respondents have placed certain juniors persons to the petitioners over and above the petitioners in the said gradation list dated 09.04.2021. It is the contention of the petitioners that the so called junior persons are all employees originally from the School Education Department and the petitioners who were originally under the Tribal Department in the schools of the Tribal Department, which subsequently on merger have now been brought within the School Education Department. However, contrary to the principles of merger that was laid down at the time of merger, the respondents have now published the gradation list adversely affecting the promotional avenues of the petitioners.
3. Perusal of the writ petition would show that the petitioners subsequent to the publication of the gradation list dated 09.04.2021 have made a detailed representation to the respondent No.3 vide representation dated 10.06.2021 (Annexure P/4) and the said representation is still pending consideration before the authorities and the petitioners are apprehending that before taking a decision on the representation, there is all likelihood that the respondents may proceed further with the promotional process for filling up of the post of Principal/Vice Principal in the Higher Secondary School in the Government of Chhattisgarh. Since the representation of the petitioners were filed only on 10.06.2021 and since it is only just around two months time that the representation has been made, this Court at this juncture is of the view that the writ petition can be disposed of at this juncture directing the respondents No.2 & 3 to take an appropriate decision on the representation of the petitioners, so far as their grievance in

respect of the gradation list dated 09.04.2021 and the grievance in respect of the gradation list adversely affecting their promotional avenues.

4. The respondents No.2 & 3 are directed to take a decision on the representation of the petitioners on due consideration of their seniority and also the terms and conditions that were laid by the Department at the time of merger of the two Departments. Let a decision be taken in this regard at the earliest preferably within a period of 60 days from the date of receipt of the copy of this order. It is expected that the respondents may take a decision before the next promotional process is finalized, so that the interest of all the persons can be taken care of.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved