

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4820 of 2021

1. Harish Kumar Rathore S/o Shri Deo Prasad Rathore Aged About 46 Years Posted As Hostel Superintendent Class-D In Adiwasi Balak Chhatrawas Kartala, District Korba, Chhattisgarh.
2. Ritesh Mehra S/o Shri Ganesh Ram Aged About 38 Years Posted As Hostel Superintendent Class-D In Adiwasi Balak Chhatrawas Katghora, District Korba, Chhattisgarh.
3. Hira Lal Sinha S/o Shri Puran Lal Sinha Aged About 53 Years Posted As Hostel Superintendent Class-D In Adiwasi Balak Chhatrawas Sirisguda, Block Tokapal, District Bastar, Chhattisgarh.
4. Abhay Kumar Modak S/o Late P.N. Modak Aged About 50 Years Posted As Hostel Superintendent Class-D In Adiwasi Balak Chhatrawas Bhakhara, Block Kurud, District Dhamtari, Chhattisgarh.
5. Chhaura Ram Yadav S/o Late Banmaly Yadav Aged About 44 Years Posted As Hostel Superintendent Class-D In Adiwasi Balak Chhatrawas Dharamjaigarh, District Raigarh, Chhattisgarh.
6. Vijay Kumar Jagat S/o Shri B.S. Jagat Aged About 32 Years Posted As Hostel Superintendent Class-D In Post Metric S.T. Boys Hostel Pali, District Korba, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Tribe And Scheduled Caste Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.
2. Commissioner Department Of Scheduled Tribe And Scheduled Caste Development, Balock 4-D, Indrawati Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shashank Thakur, Advocate.
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/09/2021

1. At the outset the counsel for the petitioner make an oral request for making necessary corrections in the cause title whereby inadvertently the status of the petitioner has been reflected as Class-C whereas they are all working on the post of Class-D post.

2. The grievance of the petitioner is the inaction on the part of the respondents in not convening the regular DPC for the post of Hostel Superintendent Class-C. According to the petitioner the rules governing the field requires the said post of Hostel Superintendent Class-C to be filled up 100% by way of promotion and feeder post to the said promotional post is that of Hostel Superintendent Class-D with minimum of five years of service. According to the petitioners, all the petitioners have completed requisite five years of service and thereby they are now eligible and entitled to be considered for promotion to the post of Hostel Superintendent Class-C but for the DPC which is not being convened, the petitioners are being declined and denied their promotion. Further contention of the petitioners is that from the documents of the respondents it appears that sanctioned vacant post of Hostel Superintendent Class-C is presently being occupied by the people from different cadre and also from outside the cadre which again is not permissible under the service rules governing the field. Further contention of the petitioner is that the promotional rules governing the field, the respondents are required to convene the DPC regularly, if not at least once in a year. In the instant case the DPC has not been convened by the respondents for filling up of the post of Hostel Superintendent Class- C for the past many years.
3. Given the aforesaid facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondent no.1 & 2 to take into consideration the grievance of the petitioner and subject to their fulfilling all requisite eligibility criteria in terms of the rules governing the field of promotion, the respondent should convene the DPC in accordance with the promotion rules applicable in the State of Chhattisgarh and take appropriate decision so far as filling up of the regular post of Hostel

Superintendent Class-C at the earliest in accordance with the promotion rules governing the field.

4. Let an appropriate decision be taken at the earliest preferably within four months from the date of receipt of copy of this order.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit