

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5080 of 2021

1. Smt. Gayatri Dewangan W/o Chetan Prasad Dewangan, Aged About 38 Years Working As Assistant Teacher (L.B.), Govt. Primary School, Balpur, Block Balaoda, District Janjgir Champa Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh.
2. The District Education Officer, District Janjgir Champa Chhattisgarh.
3. The Block Education Officer, Baloda, District Janjgir Champa Chhattisgarh

---Respondents

For Petitioner	:	Shri Anil Tripathi, Advocate.
For Respondents	:	Shri Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.09.2021.

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not initiating the promotion process for promotion from the post of Assistant Teacher (LB) to the post of Teacher (LB).
2. The contention of the petitioner is that, the petitioner was initially appointed in the year, 2005 and by now the petitioner has put in more than 15 years of service and the petitioner is still working on the post of Assistant Teacher (LB). According to the petitioner, there is a large number of vacancies available on the promotional post of Teacher (LB) and if the respondents initiate appropriate promotion process, the petitioner would be one among the candidates who would fall within the zone of

consideration for promotion, and therefore prays for an appropriate direction in this regard to the respondents.

3. The State counsel submits that the petitioner was initially appointed under the Panchayat Department as Shiksha Karmi Grade-III. It is only in the year, 2018 when the Schools under the Panchayat Department also was brought under the School Education Department of the respondents State and thereafter the petitioner now comes under the administrative control of the School Education Department. That, by virtue of the services of the petitioner being brought under the School Education Department, the seniority of the petitioner must have got disturbed as now a combined seniority list of the two departments must have been prepared and thereby the petitioner may not be in the zone of consideration as of now.
4. Be that as it may, considering the fact that the petitioner has been working with the department for more than 15 years, if at all if the petitioner is not found suitable for promotion by virtue of not being senior enough, even then under the policy the respondents would have considered grant of benefit of Kramonnati to the petitioner, which again in the instant case has not been granted to the petitioner. It is also not a case of the respondents that in between the promotion process were initiated and by virtue of seniority the petitioner was left out.
5. Under the circumstances, the writ petition at this juncture stands disposed of directing the respondents No.1&2 to take all necessary steps for considering the claim of the petitioner for being considered for promotion to the next promotional post of Teacher (LB) or in alternative in terms of the circulars of the State Govt. governing the field consider the case of the petitioner for grant of benefit of Kramonnati, subject to due verification of

the entitlement part. Let an appropriate decision be taken by the respondents within a period of four months from the date of receipt of copy of this order.

6. The Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder