

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (SERVICE) NO. 5098 OF 2020

1. Sobhnath Choubey S/o Kalika Prasad Choubey Aged About 51 Years Working As Head Master, Govt. Middle School, Nareshpur Surajpur, R/o Mishragali, Gopalpur, District Surajpur Chhattisgarh.
2. Ashok Kumar Upadhaya S/o Om Prakash Upadhaya Aged About 49 Years Working As Head Master, Govt. Middle School, Chitkahipara Surajpur R/o Bhaiyyathana Road Surajpur, District Surajpur Chhattisgarh.
3. Dinesh Kumar Dwivedi S/o Tulsi Ram Dwivedi Aged About 49 Years Working As Head Master, Govt. Middle School, Mahuapara Surajpur R/o Mishragali Bhaiyyathana Road District Surajpur Chhattisgarh.
4. Sanjay Kumar Tripathi S/o Ram Bahadur Tripathi Aged About 49 Years Working As Head Master, Govt. Middle School, Saarma Block Surajpur, R/o Bhaiyyathana Road Near Rafi Petrol Pump District Surajpur Chhattisgarh.
5. Dinesh Kumar Kaushik S/o Shri Chandradutt Sharma Aged About 49 Years Working As Head Master, Govt. Middle School, Nevra Block Surajpur R/o Behind Nehru Park District Surajpur Chhattisgarh.

... Petitioners

versus

1. State of Chhattisgarh, through the Secretary, Adim Jati Tatha Anusuchit Jati Vikash Vibhag, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (CG)
2. The Commissioner, Adim Jati Tatha Anusuchit Jati Vikash, Vibhag, Indrawati Bhavan, New Raipur, District Raipur Chhattisgarh.
3. Director, Public Instructions, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
4. The Collector (Adivasi Vikash), Surajpur, District Surajpur (CG)
5. Assistant Commissioner, Adivasi Vikash, Surajpur, District Surajpur (CG)
6. District Education Officer, Surajpur, District Surajpur (CG)

... Respondents

For Petitioners	:	Mr. Ashutosh Shukla and Mr. Shiv Sagar Tiwari, Advocates.
For Respondents/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/01/2021

1. Grievance of Petitioners in the present Writ Petition is in respect of seniority granted to Petitioners on the promoted post of Headmaster vide order dated 19.9.2013.
2. According to learned Counsel for Petitioners, all the Petitioners herein were working on the post of Teacher (Grade-I). Considering their seniority and the merits, they were initially promoted on the post of Headmaster vide order dated 7.9.2012, however, the State Government vide order dated 12.9.2012 stayed the implementation of the said order of promotion as the same was in violation of certain government instructions and circulars issued in respect of promotion. Subsequently, the Respondents have after a gap of about one year, vide order

dated 19.9.2013, issued a fresh promotion order promoting the Petitioners from the post of Teacher (Grade-I) to the post of Headmaster. Petitioners continued to discharge duties of Headmaster in between. However, vide order dated 16.7.2018, the Respondents issued Gradation List for the years from 2014 to 2018 and it is then that the Petitioners came to know that in between various persons junior to Petitioners have been promoted vide separate promotion orders and in the process the Petitioners have been superseded by roughly around one thousand persons. Petitioners immediately thereafter preferred a representation before Respondent No.4 for rectification of their seniority. The said representation is pending consideration.

3. Petitioners substantially worked under the Tribal Welfare Department. It appears that they have not made any representation to the Tribal Welfare Department under which they were working and subsequently it seems that their service got merged under the Education Department and now they fall under the Education Department.

4. Given the fact, let the Petitioners move a fresh representation both to Respondents No. 2 and 3 within a period of two weeks and the Respondents No. 2 and 3 in turn shall decide the same in accordance with law after due verification of the facts within a further period of ninety days from the date of receipt of representation.

5. Writ Petition accordingly stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE