

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5162 of 2020

1. Shiv Kumar Kanwar S/o Late Beer Singh Kanwar Aged About 47 Years Posted As T. G. T. Hindi At Eklavya Model Residential School, Katekalyan, District Dantewada Chhattisgarh R/o Ward No. 01, Nayapara, Geedam, District Dantewada Chhattisgarh.

---Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste And Scheduled Tribal Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, (Naya Raipur) P. O. And P. S. Rakhi Raipur District Raipur Chhattisgarh
2. Commissioner -Cum-Director Scheduled Caste And Scheduled Tribal Development Department, District Raipur Chhattisgarh
3. Assistant Commissioner Scheduled Caste And Scheduled Tribal Development Department, District South Bastar Dantewada Chhattisgarh

---Respondents

For Petitioner	:	Ms. Diksha Gouraha, Advocate.
For State	:	Ms. Akanksha Jani, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.01.2021

1. The petitioner is working on the post of Trained Graduate Teacher (in short, TGT) under the Eklavya Model Residential School Katekalyan, District Dantewada.
2. According to the petitioner, he has already put in more than five years of service as a TGT and thus has become eligible for promotion to the post of Post Graduate Teacher (Lecturer) (in short, PGT). According to the petitioner, there are around roughly 25 posts of PGT (Hindi) sanctioned by the Government for the said school and that the petitioner being eligible for promotion should have been considered for promotion to the post of PGT in the aforesaid subject.
3. The grievance of the petitioner is that, though he is entitled for promotion which the authorities are not considering however at the same time the

respondents are issuing advertisement for filling up of the post by way of Guest Lecturer thereby depriving the claim of the petitioner for promotion. According to the petitioner, if the respondents keep on the filling up of the post by way of Guest Lecturer the post would never lie vacant and the petitioner would never get an occasion for being promoted against the said post. The petitioner further referred to an order passed by this court in WPS No.6642 of 2019 wherein this court vide its order dated 02.09.2019 have already ordered the respondents to consider promotion to the post of PGT from among the eligible TGT in the Science Subject and therefore similar direction in this case also to be issued so far as Hindi Subject is concerned which pertains to the petitioner against the available vacant post of PGT.

4. The State counsel submits that the question of promotion would have to be considered purely in accordance with the promotion rules governing the filed and it also needs to be verified whether other Govt. Teachers from the other schools could also be promoted against the vacancies available in the Eklavya Model Residential School under which circumstances there is a possibility of there being many more senior persons than the petitioner in the respective subject.
5. Given the said submissions by the learned counsel appearing on either side, the writ petition at this juncture in the opinion of this court can be disposed of directing the respondents No.1&2 to consider the claim of the petitioner of being considering their promotion from the post of TGT to the post of PGT and also consider his request of not to fill up the post of PGT by engaging Guest Lecturer periodically.
6. Let a fresh representation in addition to any earlier representation which the petitioner have made be made within a period of 15 days from the date

of receipt of copy of this order along with all supporting documents and the respondents No.1&2 in turn shall decide the same at the earliest in accordance with law by passing a speaking order within a further period of 90 days.

7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder