

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION (S) NO. 987 OF 2017**

1. Chetan Kumar Dhankar, S/o Shri Sawantram Dhankar, aged about 33 years, Assistant Teacher (Panchayat), Govt. Primary School, Dongritola, Block & Tehsil Mohla, District Rajnandgaon (C.G.)
2. Vishnuram Belsare, S/o Shri Akaturam Belsare, aged about 30 years, Assistant Teacher (Panchayat), Govt. Primary School, Ghawdetola, Block & Tehsil Mohla, District Rajnandgaon (C.G.)
3. Bhawar Singh Sahu, S/o Shri Hridaye Ram Sahu, aged about 32 years, Assistant Teacher (Panchayat), Govt. Primary School, Champatola, Block & Tehsil Mohla, District Rajnandgaon (C.G.)

**... Petitioners**

**Versus**

1. State of Chhattisgarh, through Secretary, Panchayat and Rural Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Tehsil and District Raipur (C.G.)
2. Zila Panchayat, through Chief Executive Officer, Rajnandgaon, District Rajnandgaon (C.G.)

**... Respondents**

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For Petitioners	:	Mr. Anup Majumdar, Advocate.
For Respondent-State	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**28/02/2017**

1. The grievance ventilated through the present writ petition is non-consideration of Petitioners' case for promotion on the next higher post of Teacher (Panchayat).
2. Learned Counsel for the Petitioners submits that the Petitioners are in public employment with avenue of promotion provided under the Government recruitment rules known as Chhattisgarh Teacher (Panchayat) Cadre Recruitment and Conditions of Service) Rules, 2012. He submits that the Petitioners have completed minimum eligibility of 7 years and large number of posts of Teacher (Panchayat) are lying vacant. The Petitioners enjoy a very high position in the seniority list and are, therefore, within the zone of consideration. However, till date, the Respondents have not considered the case of the Petitioners for promotion. Meanwhile, the persons junior to the Petitioners have been promoted.

3. Learned Counsel for the State submits that this grievance can be ventilated by the Petitioners invoking the remedy of statutory representation to the competent authority as provided under Rule 18(1)(b) of the Panchayat Service (Discipline and Appeal) Rules, 1999. A perusal of the aforesaid Rule clearly provides that a member of the Panchayat Service may make representation against an order which amongst others, denies promotion to a higher post or service to which is otherwise eligible according to recruitment rules and which is due to them in accordance to seniority.
4. This Court, in similar cases, has already disposed of the petition with a direction to consider representation in terms of statutory rules.
5. Accordingly, the present writ petition is also disposed of, with a direction that in case the Petitioners prefer representation, the same shall be considered and decided by the authority by speaking order within a period of 6 months from the date of receipt of representations.
6. The writ petition stands accordingly finally disposed of.

Sd/-  
**(P. Sam Koshy)**  
**Judge**