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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2943 of 2023**

1 - Anil Yadu S/o Lt. Shri Mangal Yadu Aged About 45 Years Presently Working On The Post Of Assistant Teacher At Government Adim Jati Baalak Aashram, Samnapur, Vikaskhand Bodala, District - Kabirdham , Chhattisgarh.

2 - Teekaram Kher S/o Shri Makhan Khare Aged About 59 Years Presently Working On The Post Of Assistant Teacher At Anusuchit Jaati Baalak Aashram, Kumhi, Vikaskhand Kabirdham, District - Kabirdham , Chhattisgarh.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through - The Secretary - School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

2 - Commissioner, Scheduled Caste/ Scheduled Tribe And Other Backward Classes Department, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

3 - Collector Kabirdham, District - Kabirdham, Chhattisgarh.

4 - District Education Officer, Office Of District Education Officer, District - Kabirdham, Chhattisgarh.



... Respondents

(Cause-title taken from the Case Information System)

For Petitioner(s) :- Mr. Sumit Singh Rathore, Advocate

For State :- Ms. Vartika Shrivastava, P.L.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad**Order on Board****22.01.2026**

1. By way of this petition, the petitioners are not challenging any specific order but are seeking a direction to the respondent authorities to grant them promotion by strictly following the provisions of the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019, inasmuch as petitioner No.1 was appointed on 03.08.1996 and petitioner No.2 on 05.03.1984 in the Tribal Development Department and both have rendered more than 25–30 years of continuous service. After the merger of the Tribal Community Development Department into the School Education Department vide order dated 10.03.2015, the petitioners have been continuously working at Tribal Children's Aashram, Samnaapur, District Kabirdham (C.G.), yet they have not been granted promotion despite possessing all requisite qualifications, which is arbitrary and violative of Articles 14 and 16 of the Constitution of India. Although several representations have been made by the petitioners, the same have not been considered



till date, compelling them to file the present petition being filed challenging the aforesaid impugned orders.

2. By way of this petition, the petitioners have prayed for following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to constitute the committee as per the provision prescribed under The Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019 for granting promotion to the petitioners.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the petitioners and grant promotion to the petitioners on their next higher post.

10.3 That the Hon'ble Court be further pleased to grant such other relief(s) as may be deemed fit and proper in the interest of justice and fair play.”

3. Facts of the case are that the petitioner No.1 was initially appointed on the post of Assistant Teacher on 03.08.1996 by the then State of Madhya Pradesh at Rajnandgaon (now in Chhattisgarh) on compassionate grounds in the Tribal Development Department and petitioner No.2 was appointed on 05.03.1984 in the Tribal Development Department, District Kabirdham, and both have been continuously discharging their



duties. Subsequently, vide order dated 10.03.2015, the Tribal Community Development Department was merged into the School Education Department and since then the petitioners have been continuously working on the said posts. Despite rendering more than 25–30 years of continuous service including the period served under the Tribal Development Department, the petitioners have not been granted promotion. The petitioners have been repeatedly approaching the respondent authorities for consideration of their cases for promotion and thereafter also submitted several representations, all of which have remained undecided till date. As per Rules 14 and 15 of the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019, a committee is required to be constituted to prepare the list of eligible employees for promotion and to hold meetings every year, but the respondent authorities have failed to follow the said statutory provisions in the case of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners were appointed as Assistant Teachers in the Tribal Welfare Department on 05.03.1984 and 03.08.1996 respectively. It is submitted that despite rendering uninterrupted service for more than 35–40 years, the petitioners are still working on the post of Assistant Teacher and have not been granted a single promotion since the date of their initial appointment. It is further submitted that the petitioners have repeatedly approached the competent



authorities by submitting applications seeking consideration for promotion, however, till date, no decision has been taken on their applications, thereby violating their fundamental rights under Articles 14 and 16 of the Constitution of India. Learned counsel submits that the service conditions of the petitioners are governed by the Chhattisgarh School Shiksha Sewa (Educational and Administrative Cadre) Rules, 2019. As per Clause 17 of the said Rules, Assistant Teachers (Trained) are required to be considered for promotion after completion of five years of satisfactory service. The petitioners have long fulfilled the eligibility criteria prescribed under the Rules, yet they have been illegally denied consideration for promotion without any justifiable reason. It is further contended that denial of promotion for such an inordinate period amounts to stagnation and causes grave prejudice to the petitioners, affecting not only their career progression but also their financial and social status. Accordingly, learned counsel for the petitioners prays that this Hon'ble Court may be pleased to issue appropriate directions to the respondent authorities to consider and decide the petitioners' applications for promotion in accordance with law, within a stipulated time frame, and to grant all consequential benefits flowing therefrom.

5. Learned State Counsel submits that the petitioner could not be promoted as no vacancies were available. It is further submitted that if the petitioner fulfils the requisite criteria, upon the arising of a vacancy, the petitioner shall be considered for grant of



promotion. Learned State Counsel further submits that the services of the petitioners are now being merged with the School Education Department and, as such, the same shall be considered by the said Department.

6. I have heard learned counsel for the parties and perused the material available on record.
7. From a careful perusal of the record, it is undisputed that the petitioners were initially appointed as Assistant Teachers on 05.03.1984 and 03.08.1996 respectively in the Tribal Development Department and have been continuously discharging their duties without any break in service. It is also not in dispute that pursuant to the order dated 10.03.2015, the Tribal Community Development Department was merged into the School Education Department and since then the petitioners have been working under the said Department. The record further reveals that the petitioners have rendered long and uninterrupted service of more than 35 to 40 years. Despite such lengthy service, their cases have admittedly not been considered for promotion. The only justification put forth by the respondents is that vacancies were not available. This Court is of the considered view that non-availability of vacancies may be a ground for non-grant of promotion, but it cannot be a ground for non-consideration of eligible employees for promotion, particularly when the statutory rules mandate periodic consideration.



8. It is further evident that the petitioners have long fulfilled the eligibility criteria prescribed under the applicable Rules. Merely stating that vacancies were not available, without holding any departmental promotion exercise or without considering the petitioners' cases in accordance with law, cannot be sustained. Moreover, in view of the submission of learned State Counsel that the services of the petitioners are now being merged with the School Education Department, their cases are required to be considered by the competent authority of the said Department in accordance with the prevailing Rules.
9. In the considered opinion of this Court, the ends of justice would be met if the respondent authorities are directed to consider the cases of the petitioners for promotion, strictly in accordance with law and the applicable Rules, rather than granting promotion straightaway.
10. Accordingly, it is directed that the respondent authorities shall consider the cases of the petitioners for promotion to the next higher post, in accordance with the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019, or any other applicable rules. While considering their cases, the entire length of service rendered by the petitioners, including the service under the Tribal Development Department, shall be taken into account. If the petitioners are found eligible, their cases shall be considered for



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promotion against available or arising vacancies, strictly in accordance with law. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

11. With the aforesaid observations and directions, the writ petition stands **disposed of**.

No order as to costs.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha