

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.7020 of 2007**

Jagdish Prasad Thawait, son of Late Dadam Thawait, aged about 47 years, R/o Podi Uprora, Katghora (Tah) Korba District, Chhattisgarh State

---- **Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Medical and Health Services, DKS Bhawan, Raipur, Chhattisgarh State
2. Jt. Director, Directorate of Medical Services, Raipur, Chhattisgarh State
3. Chief Medical Officer, Korba District, Chhattisgarh State

---- **Respondents**

For Petitioner	:	None
For Respondents/State	:	Shri Vivek Sharma, Panel Lawyer

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

9/10/2015

1. This writ application is pending since the year 2007 for admission.

Reply has been filed on behalf of the Respondents on 13.2.2008 after serving copies. There is no rejoinder to the same.

2. The Court has therefore taken-up the matter for consideration with the assistance of the State Counsel as pleadings are complete.

3. It is stated in the writ application that the Petitioner was appointed as a Peon on 10.7.1986. He possessed the qualification of Higher Secondary pass which was also the eligibility qualification for the post of Assistant Grade-III. 20% posts of Assistant Grade-III have been kept reserved for promotion from the post of Peon. Despite availability of three vacancies his case for promotion has not been considered.

4. The counter-affidavit of the Respondents/State states that there were no vacancies for the post of Peon in the promotional quota and no sooner the vacancy will be available his case will be considered.

5. There is no fundamental right to promotion. The only right is to be considered for promotion. It is therefore directed that as and when vacancy is available, the case of the Petitioner shall be considered in accordance with law.

6. The writ application stands disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE