

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1331 of 2016

Dr. Namrata Satpute W/o Dr. Dilip Kobragade, Aged About 50 Years Working As A Lecturer (Rog Nidan Avam Vikrit Vigyan) At Govt. Ayurvedic College Raipur, R/o B1/56, Lokmanya Society Rohinipuram, Danganiya, Post R S U, Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Health & Family Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
2. Director, O/o Directorate Ayurved, Yog Avam Prakritik Chikitsa Yunani, Siddha Avam Homyopathy (Ayush) Raipur, (Chhattisgarh)
3. Principal, Ayurvedic College, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

Shri Vinod Deshmukh, counsel for the petitioner/s.
Shri Dilman Rati Minj, Dy.G.A. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/07/2016

Heard.

The petitioner has filed this petition aggrieved on account of non-consideration of her case of promotion to the next higher post of Reader (Rog Nidan Evam Vikrit Vigyan) in Ayurvedic College of the State.

2. Learned counsel for the petitioner submits that the petitioner is one of the senior most Lecturer working in the Ayurvedic college. There are two posts which are lying vacant. Rules of general application namely C.G. Public Services (Promotion) Rules, 2003 clearly provides that DPC shall be held every year. He submits that there is no reason why vacancy being available, cases of promotion could not be considered.

3. Learned State counsel submits that the respondents shall consider

application of the petitioner for promotion in accordance with the Rules applicable.

4. Right to be considered for promotion has been recognized by the Supreme Court as a fundamental right guaranteed under Article 16 of the Constitution of India, provided a person is eligible and is in the zone of consideration in the case of **Delhi Jal Board vs. Mahinder Singh, (2000) 7 SCC 210**.

5. General application of the Rules of 2003 in the matter of promotion is provided as below -

“Rule 4 – The meeting of the Departmental Promotion Committee shall be held every year. It shall consider the suitability of the public servants for promotion separately with reference to the vacancies of each year starting with the earliest year onwards. The Departmental Promotion Committee shall consider the suitability of the public servants for promotion to fill up the unfilled vacancies of the earlier year or years separately and prepare the select list for the relevant year accordingly. Thereafter, the Departmental Promotion Committee shall consider the suitability of the public servants for promotion to fill up the existing and anticipated vacancies of the current year.”

6. Reading of the aforesaid provision clearly shows that it is the obligation of the respondents to consider the cases of eligible officers for promotion, provided there is vacancy in the department.

7. In view of the above statement that there is a vacancy, this petition is disposed off with a direction to the respondents to convene DPC in accordance with the Rules of 2003 and consider the case of eligible employees including the petitioner for promotion to the next higher post of Reader (Rog Nidan Evam Vikrit Vigyan). It is expected that the exercise shall be completed within an outer limit of four months.

Sd/-

(Manindra Mohan Shrivastava)
Judge