

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.5717 of 2016

ORDER

This writ petition is filed under Article 226 of the Constitution of India for the following relief;

“to issue an appropriate orders or direction, more particularly one in the nature of writ of mandamus declaring the action of respondent No.1 in fixing of the eligibility criteria as on 01.10.2015 in the Notification for the Departmental/Aptitude Test/Promotion dated 28.10.2015, as illegal, arbitrary and consequently directing the first respondent to consider the candidature of the petitioner for promotion to the post of Record Clerk as the petitioner obtained graduation on 05.10.2015 before the closing date of the above said notification.

2. Heard Sri V.R.Machavaram, learned counsel for the petitioner and Sri B. Raj Kumar, learned Standing Counsel for Life Insurance Corporation of India for respondents.

3. According to the petitioner, he is working as Sub Staff in the first respondent Corporation at Parkal, Warangal Division. The first respondent herein issued a notification dated 28.10.2015 informing the intention of the Corporation to effect promotion to certain categories of posts. In the said notification, Condition No.3 stipulates as under;

“The conditions of eligibility including seniority and qualifications shall be reckoned as on 01.10.2015”.

In the present writ petition, the above said condition stipulated in the notification is assailed.

4. It is contended by the learned counsel for the petitioner that the fixation of the said date as 01.10.2015 is arbitrary, illegal and violative of the fundamental rights.

5. On the contrary, it is submitted by the learned Standing

Counsel for the respondents' Corporation that there is no illegality nor there exists any violation of statutory rights of the petitioner, as such, the present writ petition is not maintainable under Article 226 of the constitution of India.

6. Except stating that fixation of the said date is illegal and arbitrary, no legal foundation is made by the petitioner in support of the said contention. In the absence of the same, this Court is not inclined to interfere with the impugned action.

7. For the aforesaid reasons, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

A.V.SESHA SAI

23rd February, 2016

sj