

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (S) No.616 of 2017**

Rajendra Kumar Singh S/o Ranjit Singh, Aged About 59 Years
Presently Posted And Working As Assistant Director
(Agriculture), R/o Maharana Pratap Nagar, Tifra, Bilaspur,
PS Sirgitti, Tahsil & District Bilaspur, (Chhattisgarh)

---- Petitioner**Versus**

- 1.** State Of Chhattisgarh Through The Secretary, Department Of Agriculture & Bio Technology, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
- 2.** Under Secretary, Department Of Agriculture & Bio Technology, Government Of Chhattisgarh, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
- 3.** Director, Director Of Agriculture, Indrawati Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
- 4.** Joint Director, Department Of Agriculture, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr.Sashi Kumar Kushwaha, Advocate
For State	:	Ms Ashtha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/02/2017**

- 1.** The petitioner has filed this writ petition stating inter-alia that he is entitled to promoted on the post of Deputy Director (Agriculture) and also aggrieved by the order dated 10.11.2016 by which his representation has been rejected.
- 2.** Learned counsel for the petitioner would submit that the petitioner is entitled to be promoted on the post of Deputy

Director (Agriculture), but he is not being promoted.

3. The State Government in its order dated 10.11.2016 (Annexure P/1) has clearly stated that there are only 42 vacant posts of Deputy Director in which 43 Deputy Directors were already working and at present promoted post of Deputy Director is not vacant to be filled. In order to be considered for higher promotional post of Deputy Director, availability of vacant post of Deputy Director is *sine-qua-non*. In absence of that, the State Government is absolutely justified in rejecting the claim of the petitioner for the post of Deputy Director (Agriculture) (See **Union of India and others Vs. K.K. Vadera and others**¹).
4. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-

1 AIR 1990 SC 442