

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.2849 of 2017

- Mahesh Shukla S/o Late Siyaram Shukla, Aged About 35 Years R/o Village & Post Hardi (Mahamaya), P. S. Balauda, District Janjgir Champa (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Urban Administration Department, Mahanadi Bhawan New Raipur, Chhattisgarh.
2. The Joint Director, Urban Administration & Development Bilaspur, District Bilaspur, Chhattisgarh.
3. The Chief Municipal Officer Nagar Panchayat Balauda, District Janjgir Champa, Chhattisgarh.
4. Sudharam Yadav S/o Late Dheersai, Aged About 54 Years Posted As Assistant Grade- III In The Office Of Nagar Panchayat, Balauda District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Rakesh Pandey, Advocate
For Respondent/State	:	Shri A. S. Kachhawaha, Additional Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

05/07/2017

Heard.

2. By the present writ petition, the petitioner is seeking quo warranto against respondent No.4, who has been granted promotion on the post of Assistant Grade III with effect from 10-07-2007.

3. The sole contention put forth by learned counsel for the petitioner is that the respondent No.4 was granted promotion on the post of Assistant Grade III with a condition to submit certificate of Typing Examination within a period of six months, but, till date, he has not passed Typing Examination, therefore, he is not qualified for the post of Assistant Grade III. Hence, the present petition has been filed.

4. Upon perusal of the facts, what appears is that the petitioner who is a person seeking issuance of writ of quo warranto, is not directly or indirectly affected by the grant of promotion to respondent No.4, therefore, this Court is having serious doubt on the locus of the petitioner. It appears that this petition is filed only on account of some personal enmity between the petitioner and the respondent No.4.

5. It is well settled legal proposition that the writ jurisdiction can be exercised by the High Court only in the event of breach or infringement of fundamental right guaranteed under the Constitution of India of a citizen.

6. In the present writ petition, it does not appear that any of the fundamental rights of the petitioner has been affected adversely in any manner. It is a case where even if, the respondent No.4 could not succeed in the typing examination, he can still approach the respondent authority for grant of some more time. It is not a case that order of promotion has been issued in respect of respondent No.4 contrary to the Service Rules applicable. In the present case, the respondent No.4 was initially appointed on the post of Peon (Class IV employee) and vide order dated 10-07-2007, he has been promoted to the post of Assistant Grade III with a rider of passing typing examination within a period of six months.

7. In view of aforesaid facts and settled legal position, this Court is reluctant to entertain the present petition and the present petition thus fails and hereby dismissed. Needless to mention here that in spite of our reluctance to entertain the petition, he can still approach the respondents for redressal of his grievance.

SD/-
(P.Sam Koshy)
J U D G E