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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1614 of 2008**

Dr. Y.N. Jha S/o Late Shri Kedarnath Jha, aged about 57 years, Presently posted and working as Professor(Zoology), Government Arts & Commerce College, Jarhabhata, Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through the Secretary, Department of Higher Education, Mantralay, D.K.S. Bhawan , Raipur, Chhattisgarh.
2. State of Madhya Pradesh, Through the Secretary, Department of Higher Education, Mantralay, Vallabh Bhawan, Bhopal, Madhya Pradesh.
3. Commissioner Department Of Higher Education , Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. S. S. Baghel, on behalf of Mr. B.D. Guru, Advocate
For State	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/02/2019**

1. The claim of the petitioner through the present writ petition is for grant of promotion w.e.f. 01/07/2000 that is the date on which his juniors have been promoted from the post of Assistant Professor to Professor.
2. The contention of the petitioner is that the respondents have as early as on 01/07/2007 after a duly constituted DPC have promoted certain Officers from the post of Assistant Professors to the post of Professor but the petitioner in spite of being senior to the persons have not been granted the benefit of promotion. According to the petitioner he had meanwhile preferred the writ petition that is WP 2227/2003 which was disposed off on 26/08/2003 with direction to the respondents to consider the representation of the petitioner in objective manner. Subsequently the department after scrutinizing the records found the petitioner eligible for promotion and they have passed an order in favour of the petitioner granting him the benefit of promotion w.e.f. 10/08/2007. The only relief

which the petitioner has sought in the present writ petition is that he should be considered for promotion w.e.f. 01/07/2000 and not from 10/08/2007 as has been granted to other persons junior to the petitioner.

3. Perusal of the record would show that the criteria for promotion from the post of Assistant Professor to Professor was merit cum seniority. Another aspect which cannot be lost sight of is that the respondents in their reply have come up with a stand that the case of the petitioner was infact considered by the Departmental Promotion Committee before passing of the order Annexure dated 01/07/2000. The order (Annexure R-1) further states that the DPC which was held in the year 2000 considering his service record found the petitioner to be unsuitable and that was the reason why the petitioner could not be promoted in the year 2000 and later on he was promoted in the year 2007.
4. To the said finding of the State Government (Annexure R-1), the petitioner has not filed any rejoinder in rebuttal to the contention raised by the respondents in their reply as well as the Annexure enclosed along with the reply.
5. Unless the petitioner had brought specific averments in rebuttal to the contents raised by the respondents in their reply, this Court finds it difficult in any manner to examine the matter in the absence of any further cogent material produced by the petitioner.
6. In the light of the specific pleading by the State Government that when the DPC held for promotion in the year 2000, they found the petitioner unsuitable and there being no challenge to the said decision this Court does not find any merit in the writ petition. Writ petition accordingly fails and is dismissed.

Sd/-
(P. Sam Koshy)
Judge