

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1962 of 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the case of the petitioner for promotion to the post of Superintendent for the panel year 2018-19 as illegal, arbitrary and unconstitutional and sought a consequential direction to direct the respondents to consider the case of the petitioner for promotion to the post of Superintendent for the panel year 2018-19 as the petitioner has passed Departmental Test Part-II paper Code-139 in the year 2012 along with others with all consequential benefits.

Heard Mr.A.Ravinder, learned counsel for petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that she is working as Senior Assistant and she is fully eligible and qualified to be promoted to the post of Superintendent.

The grievance of the petitioner is that though the petitioner is fully eligible and qualified to the post of Superintendent, the respondents are not considering her case on the ground that the petitioner has not passed Departmental Test Part-II paper Code-139. But, the petitioner submitted that she has passed the said examination in the year 2012 itself. To prove her contention, she has filed the document at page-15 annexed to this writ petition, wherein it is stated that the petitioner has passed the said examination during November, 2012.

Learned counsel for petitioner submits that the action of respondents in not considering the case of the petitioner for promotion to the post of Superintendent on the ground that the petitioner has not passed Departmental Test without verifying

whether the petitioner has passed the said Test or not is arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

Learned counsel for petitioner submits that the petitioner has submitted a representation to the respondents on 19.12.2018. But, the respondents are not considering the representation submitted by the petitioner on 19.12.2018 nor considering the case of the petitioner for promotion to the post of Superintendent. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Superintendent by duly considering the representation submitted by the petitioner on 19.12.2018.

Learned Government Pleader appearing for respondents has contended that the representation of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 19.12.2018 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date:04-02-2019
Prv

