

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5581 of 2019

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents, particularly 3rd respondent in not considering the case of the petitioner for promotion to the post of Junior Assistant, even though the petitioner is fully qualified and eligible for the said post, by considering the petitioner's representation dated 30.04.2016 and reminder dated 23.08.2017, as arbitrary, illegal and in violation of Articles 14, 16 and 16(4) of the Constitution of India, and for a consequential direction to the respondents to consider the petitioner's representation dated 30.04.2016 and reminder dated 23.08.2017 and promote the petitioner as Junior Assistant in preference to his juniors.

2. Heard Sri M.V.Praveen Kumar, learned counsel for the petitioner and learned Government Pleader for Services II.

3. It is the case of the petitioner that he is working as Record Assistant and is fully eligible and qualified for the next promotion as Junior Assistant. He further submits that he belongs to S.T. community; and that the respondents instead of considering his case for promotion to the post of Junior Assistant are considering the case of his juniors. He also submits that he submitted a representation dated 30.4.2016 and reminder dated 23.08.2017, requesting the respondents to consider his case.

4. Learned counsel for the petitioner contends that the respondents neither passed any orders on the representation of the petitioner nor considered the case of the petitioner for promotion to the post of Junior Assistant. 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 Junior Assistant.

5. Learned Government Pleader for Services II appearing for the respondents submits that the case of the petitioner would be considered in accordance with Rules and appropriate orders would be passed on the representation submitted by the petitioner.

6. This Court having considered the rival submissions made by both the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner dated 30.04.2016 and reminder dated 23.08.2017 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.

7. Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

25.03.2019
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