

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22530 & 22539 of 2019

ORDER

Heard Sri Sudarshan Malugari, learned counsel appearing for the petitioner, and learned Government Pleader for Services appearing for respondents 1 to 3.

Since the issue involved in both the writ petitions is one and the same, they are heard together and disposed of by way of this common order.

For the sake of convenience, the facts in W.P.No.22530 of 2019 are discussed hereunder.

This writ petition is filed seeking the following relief:

“.....to pass an order or direction more particularly one in the nature of Writ of Certiorari to call for the records relating to order of Reversion in Rc.No.3204/E4/1PM/Estt/2019-1, dated 5.10.2019 issued by 3rd respondent and quash the proceedings as being arbitrary, unjust and illegal and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of justice.”

It is the case of the petitioner that he is working as Junior Analyst and thereafter, he was promoted to the post of Junior Scientific Officer *vide* proceedings dated 18.9.2017 subject to the condition that he should acquire the requisite qualification to hold the post of Junior Scientific Officer. The

petitioner was placed at serial No.5 in the seniority list and he is eligible for promotion to the post of Assistant Director (production) or Senior Analyst. But the respondents have promoted the petitioner to the post of Junior Scientific Officer, for which there is requirement of acquiring additional qualification. In respect of the post of Assistant Director (production) or Senior Analyst, there is no requirement of additional qualification. The juniors of the petitioner were promoted to the post of Assistant Director (production), but he was promoted to the post of Junior Scientific Officer. Since the petitioner could not acquire the requisite qualification within the stipulated time, the respondents have issued the impugned proceedings dated 5.10.2019 reverting him from the post of Junior Scientific Officer to Junior Analyst. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioners contended that one more opportunity should be given to the petitioners to acquire the requisite qualification for holding the post of Junior Scientific Officer. The petitioners made several representations to the respondents, one being dated 17.10.2019. But, so far, no orders have been passed.

Learned Government Pleader appearing for the respondents contended that the respondents would consider

the representations submitted by the petitioners and pass appropriate orders.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that both the writ petitions can be disposed of directing the respondents to consider the representation dated 17.10.2019 submitted by the petitioners and pass appropriate orders thereon. The respondents shall consider the case of the petitioners for grant of additional time for acquiring the requisite qualification. It is needless to state that the respondents shall consider the seniority of the petitioners in the cadre of Junior Analyst.

With the above directions, both the writ petitions are disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th October, 2019
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