

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.45027 OF 2016

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Hostel Welfare Officer Grade-I as per seniority is void, illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently direct the 3rd respondent to consider the case of the petitioner for promotion to the post of Hostel Welfare Officer Grade-I as per seniority by holding that the petitioner is qualified and eligible for promotion to the post of HWO Grade-I as per the special rules made under G.O.Ms.No.45, dt 28.6.2011 and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri M.Bharat Shah, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

The petitioner was appointed as Matron Grade-II in the year 1987. (Now, the said post is re-designated as Hostel Welfare Officer Grade-II). Her services were regularized with effect from 28.10.1987. She is eligible for promotion to the post of Hostel Welfare Officer Grade-I.

The grievance of the petitioner is that Special Rules have been amended *vide* G.O.Ms.No.45, dated 28.6.2011,

wherein the requisite qualification for the post of Hostel Welfare Officer Grade-I is B.Ed. Since the petitioner was appointed prior to issuance of G.O.Ms.No.45, dated 28.6.2011, she does not possess the said qualification.

Learned counsel appearing for the petitioner submits that relaxation was granted to the employees, who are working in Social Welfare and B.C.Welfare Departments, for not possessing B.Ed qualification, which is required for promotion; that since the petitioner was appointed prior to issuance of G.O.Ms.No.45, dated 28.6.2011, she should be given exemption; and that appropriate orders be passed directing the 1st respondent to extend the similar relief to the employees who are working in the Tribal Welfare Department also.

Learned Government Pleader appearing for the respondents submits that the 2nd respondent has recommended the case of the petitioner and submitted proposals to the 1st respondent on 26.11.2018 and that the 1st respondent would consider and pass appropriate orders.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the 1st respondent to pass appropriate orders on the proposals submitted by the 2nd respondent within a period of

six weeks from the date of receipt of a copy of this order, in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th March, 2019
rkk

