

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.6344 of 2020
Date of Decision:06.03.2020

Jaswant Singh **.....Petitioner**
V/S

State of Punjab and another **.....Respondents**

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.Sunny Singla, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for issuance of directions to the respondents to consider the case of the petitioner for promotion as Principal w.e.f. due date when similarly situated employees were promoted as Principal, as the petitioner fulfills the requisite qualifications for consideration for promotion to the said post.

This prayer of the petitioner cannot be accepted in the light of the fact that it is an admitted position that none of the persons who have been promoted by the respondents vide order dated 30.09.2019 (Annexure P-10) were junior to the petitioners. Merely because an employee is eligible for consideration for promotion does not confer any right for promotion upon an employee. It is the discretion of the employer to fill or not a particular post despite the fact that vacancies exist. There being no right accrued to the petitioner which would require or mandate the claim of the petitioner to be considered or decided, the mandamus as has been prayed for by the petitioner, cannot be issued.

The writ petition is misconceived and, therefore, the same is hereby dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 06, 2020
Anjal

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No