

04.12.2023
Court No. 13
Item No. 144
AP

WPA 4745 of 2022

**Shri Sanjit Kumar Maji
Vs.
The Coal India Limited and Ors.**

Mr. Rohan Raj

... For the Petitioner.

Mr. Manik Das

... For the Respondent Nos.2 to 4

1. Affidavit-in-opposition and affidavit-in-reply filed in Court today are taken on record.
2. The writ petitioner is aggrieved by the fact that he has not been selected to the post of Overseer (Civil) in the T&S Grade C of the Eastern Coalfields Limited.
3. The petitioner is of the view that neither has the result of the promotional process under notification dated 15th February, 2021 been published nor has any reason been assigned as to why the writ petitioner has not been selected. Admittedly, the writ petitioner is from the reserved category. From the prayers of the writ petition it appears that he wants a diploma in Civil Engineering from an institute in Rajasthan to be recognized by the respondents.
4. This Court is of the view that it is a well-settled law that a person can only claim a right to participate in a promotional process. He cannot seek promotion itself. There are several disputed questions of fact that arise in

the process of consideration of the writ petition. This cannot be gone into under Article 226 of the Constitution of India.

5. Admittedly, the writ petitioner is a workmen within the meaning of the Industrial Disputes Act, 1947. This Court is of the view that the writ petitioner should approach the Tribunal and the authorities thereunder with an appropriate application for conciliation and further stapes under the Act to seek remedies against the respondent.

6. No order can be made on the writ petition.

7. It is also made clear that in the event the writ petitioner approaches the authority under the Act of 1947, the latter shall proceed strictly in accordance with law uninfluenced by any observations made hereinabove.

8. Hence, the writ petition is disposed of without any order.

9. There shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)