

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 13893 of 2022****Date of Decision: 22.03.2023**

Jasbir Kaur

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mohit Garg and Mr. P.K.S.Phoolka, Advocates
for the petitioner(s).

Mr. Navdeep Singh, Senior Deputy Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of the writ in the nature of mandamus to direct the respondents to promote her to the post of Senior Scale Stenographer. As per Rule 9 of the Punjab District Services (Class-III) Rules, 1976, the promotion is made by way of selection from amongst the Clerks and Steno-typists of the respective cadres of the district concerned, who qualify the test conducted in shorthand and typewriting in the English as well as the Punjabi language.

2. The petitioner cleared the test conducted in Punjabi language but failed in English language test. She claims that the competent authority could provisionally promote her subject to clearing of the relevant test in the English language. This is wholly the discretion of the competent authority which cannot ordinarily be enforced by a writ Court, unless the action of the

respondent in refusing the provisional promotion is found to be arbitrary.

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3. Moreover, Mr. Mohit Garg, Advocate, admits that another employee after clearing the test in both the languages has already been promoted to the aforesaid post. The petitioner has not impleaded him/her as a party respondent to the writ petition.

4. Keeping in view the aforesaid facts, no ground is made out to issue the writ. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

March 22, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No