

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

LPA-1017-2023 (O&M)
Date of decision:- 03.10.2023

Ashok Kumar

...Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Hariom Sharma, Advocate,
for the appellant.

Mr. Arjun Sheoran, Deputy Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal is directed against the judgement and order dated 27.04.2023 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) praying for the following substantive reliefs:-

Issuance of writ in the nature of certiorari for quashing the order dated 07.11.2016 (Annexure P-5) and order dated 19.09.2012 (Annexure P-6) passed by respondent No. 2 vide which respondents No. 3 to 5 juniors to the petitioner have been promoted to the post of Research Assistant, Grade-B.

Issuance of a writ in the nature of mandamus directing the respondents to promote the petitioner to the post of Research Assistant, Grade-B w.e.f. juniors to the petitioner i.e. respondents No. 3 to 5 have been promoted alongwith all consequential benefits.

The learned Single Judge had dismissed the writ petition on the ground that the Departmental Promotion Committee upon consideration of the claim of the petitioner did not find him fit for research work because he only held a Bachelor's degree in Humanities.

Learned counsel for the appellant submits that the appellant was senior to respondents No. 4 and 5 and, thus, being senior he was entitled to promotion on the post of Research Assistant, Grade-B prior to them. However, when confronted with the records, he fairly concedes that the respondent-authorities upon consideration of the candidature of the appellant did not find him fit for research work. And, as per Rule 7.21 Part 3 Serial No. 10 of the Manual of Administration, the appellant was, thus, not eligible. The said

decision of the respondent-authorities, which was taken on 08.05.2017, was never challenged by the appellant.

Nothing has been placed before us by the appellant or before the learned Single Judge for that matter to indicate that the respondent-authorities were bound to promote a person only on the basis of seniority. In the circumstances, we do not find any illegality or infirmity in the order passed by the learned Single Judge dismissing the writ petition.

The appeal being meritless is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.10.2023
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No