

**CWP-6629-2019****2**

5. The petitioner, who belongs to the General category, can only be promoted against the General category post. The petitioner is claiming that once a candidate who is junior to the petitioner, has been promoted, he should also be promoted to the post of Operation Theater Supervisor. While making the said assertion, the petitioner has forgot that junior employee's has been promoted against the reserved vacancy against which the claim of the petitioner, who belongs to General category, cannot be considered. That being the factual position, no grievance can be made by the petitioner qua the promotion of the private respondents, who have been promoted on the basis of reservation.

6. Learned counsel for the petitioner submits that even if the promotion of the private respondents, there are vacancies, which are lying vacant qua the General category candidate.

7. It may be noticed that effecting the promotion, is the jurisdiction of the respondent-State and promotion cannot be claimed as a matter of right. Only the consideration can be claimed hence as and when, any General category post will be filled up in case the petitioner is eligible and within the zone of consideration, his claim will be considered in accordance with law.

8. At this stage, learned State counsel submits that vide order dated 19.07.2022, the petitioner has also been promoted on his turn against an un-reserved post.

9. That being so, no grievance can be raised by the petitioner in the present writ petition.



CWP-6629-2019 3

10. The present writ petition is accordingly dismissed.

August 12, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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