

(2020) 12 SHI CK 0079

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1746 Of 2019

Dr. Sankalp Sood & Others State Of H.P. & Others

Date of Decision : 16-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0079

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : B. Nandan Vasishta, Ajay Vaidya, Vinod Thakur, Mohar Singh, Dilip Sharma, Manish Sharma, Sanjay Prahsar, B.C. Negi, Nitin Thakur

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. The petitioners were applicants in OA No.4260 of 2018 and connected matters before the erstwhile H.P. State Administrative Tribunal (for short,

the Tribunal), which was disposed of on 28.06.2019 by the Tribunal. Dissatisfied with the decision of the Tribunal, the present petition has been

filed, with a prayer for issuance of directions to respondents No.1 to 3 to upgrade/promote the petitioners (Assistant Professors) to Professors on the

same analogy as is being given in the case of private respondents No.5 to 13 as some of the petitioners are already eligible and Designated

Professors.

2. The respondents have filed the replies. In the reply filed by respondents No.1 to 3, it has been stated that- the respondent has called fresh

proposal from the Government Dental College for the up-gradation of the posts in all departments of the H.P. Government Dental College as per the

requirement of Dental Council of India norms to given uniform treatment to all the Lecturers of various departments of the H.P. Government Dental

College, Shimla with full justification for concurrence of Finance Department. In view of this position the Civil Writ Petition filed by the petitioners is pre-mature and deserves to be dismissed.â??

3. Mr.Ajay Vaidya, learned Senior Additional Advocate General, submits that in view of the steps taken in inviting fresh proposal for consideration as per the directions issued by the Tribunal for up-gradation of all the posts of the Government Dental Colleges, the prayer made in this writ petition has become infructuous.

4. Mr. B. Nandan Vasishta, learned counsel for the petitioners, submits that if the said proposal covers the case of the petitioners, who are working as Assistant Professors and are eligible for up-gradation/promotion to the next higher cadre as per Recruitment and Promotion Rules (Annexure P-4), this petition may be disposed of. Similar submission has been made by Mr.Dilip Sharma and Mr.B.C. Negi, learned Senior Counsel appearing for the private respondents.

5. We have heard learned counsel for the parties and gone through the record. The prayer of the petitioners is for up-gradation/promotion from the post of Assistant Professor to the next higher cadre as per Recruitment and Promotion Rules (Annexure P-4). The said prayer is covered by the proposal made by the Government, in which fresh proposal has been called from the Government Dental Colleges of Himachal Pradesh. The reply filed by respondents No.1 to 3 also clarifies that steps have been taken with the concurrence of Finance Department for up-gradation of the posts in all the departments of the H.P. Government Dental Colleges as per Recruitment and Promotion Rules only. If Recruitment and Promotion Rules permits for promotion/up-gradation from Assistant Professor to Professor, then naturally the prayer of the petitioners also becomes infructuous.

6. In view of the reply and in light of the submissions made by learned counsel for the parties, the present petition is disposed of with direction to the respondent-State to complete the process not later than three months from today. However, liberty is reserved to the respective parties to approach this Court, if they still feel aggrieved.

7. Pending application(s), if any, also stands disposed of.