
(2020) 10 SHI CK 0261

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 3678 Of 2020

Dr. Vinod Kumar Mehta & Others

APPELLANT

Vs

State Of H.P. & Others

RESPONDENT

Date of Decision : 05-10-2020

Acts Referred:

Citation : (2020) 10 SHI CK 0261

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

Bench : Division Bench

Advocate : Lovneesh Kanwar, Ashok Sharma, Adarsh Sharma, Ritta Goswami

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. The petitioners submit that they are working as Medical Officers and are eligible for consideration of their cases for promotion to the post of Assistant Professor(s) (Microbiology). The respondents have initiated action for consideration of their cases for promotion to the said post and all the paper work has been completed in the month of January, 2020 itself. Now, only the Departmental Promotion Committee's meeting remains to be held.

2. Learned Counsel for the petitioners submit that the petitioners have requested respondent No. 1 to convene DPC, but to no avail. He further submits that it is learnt that the respondents are going to fill up these posts on contract basis and by way of walk-in-interview.

He further submits that once a post is earmarked for promotion, the same is required to be filled up by promotion and not by way of direct recruitment, on contract basis or regular basis or any other method. He also submits that once the process has been initiated to fill up a post by way of promotion, it should be ended up at the earliest.

3. On the other hand, learned Additional Advocate General submits that the

respondents are going to hold DPC and since it is a matter of administration, no direction can be issued to that effect.

4. We have heard learned Counsel for the parties and have perused the entire file carefully.

5. The case of the petitioners is that they are eligible for consideration of their cases for promotion to the post of Assistant Professor (Microbiology) and the respondents are not holding DPC meeting. Since the post in question is a promotional post, the petitioners are entitled for consideration to be promoted to the post of Assistant Professor. The promotional post cannot be filled up by way of direct recruitment, on contract basis or regular basis. From the record, it is clear that all the paper work has been completed in the month of January, 2020 which means that the respondents are in the process of making promotion by holding DPC meeting. Thus, it is clear that the respondents are proceeding to make promotion by holding DPC meeting. Only the Departmental Promotional Committee remains to be constituted.

6. In view of the above, we deem it proper to dispose of this writ petition by directing the respondents to hold DPC meeting for the post of Assistant Professor (Microbiology) at the earliest, preferably within six weeks from today.

7. With the above directions, the writ petition is disposed of alongwith pending application(s), if any.

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