

(2019) 10 CHH CK 0125
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 3995 Of 2007

Gautam Chand Baid And Ors	Vs	APPELLANT
State Of Chhattisgarh And Ors		RESPONDENT

Date of Decision : 17-10-2019

Acts Referred:

Citation : (2019) 10 CHH CK 0125

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Vinod Deshmukh, Fouzia Mirza

Final Decision : Allowed

Judgement

Prashant Kumar Mishra, J

1. Challenge herein is to the order dated 20.06.2007 by which the respondent Nos.4 to 7 have been promoted to the post of Food Officer from the post of Assistant Food Officer by applying the Chhattisgarh Public Services (Promotion) Rules, 2003.

2. Admittedly, the petitioners were senior to the respondent Nos.4 to 7, yet they were not promoted and the private respondents were promoted by applying the roaster system for the reason that out of 14 sanctioned posts, 10 posts were already filled up by promotion and the remaining 4 posts are to be filled under the roaster system, in which these posts have fallen in the share of reserved category candidates.

3. The Division Bench of this Court in the matter of Sharad Kumar Shrivastava and others vs Chhattisgarh State Power Companies Limited and others, Writ Appeal No.409/2013, decided on 04.02.2019, and other connected matter, has quashed the Rules, 2003 to the extent of providing

reservation in promotion to the extent it falls foul of M. Nagaraj and others vs Union of India and others (2006) 8 SCC 212 and Jarnail Singh and others vs Lachhmi Narain Gupta and others (2018) 10 SCC 396.

4. In this petition, an interim order was passed on 01.05.2017 staying the impugned promotion order, yet no one appears for the private respondents to defend the writ petition.

5. In view of the above, considering the law laid down by this Court in the matter of Sharad Kumar Shrivastava (supra) and for the fact that the said part of the Rules, 2003, which has been invoked to accord reservation in promotion for the benefit of respondent Nos.4 to 7, has already been quashed, the present writ petition is allowed. The impugned promotion order dated 20.06.2007 is quashed.