
(2013) 11 MP CK 0135

In the Madhya Pradesh High Court

Case No : Writ Petition No. 3574 of 2008

Rajendra Kumra Mishra

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 12-11-2013

Acts Referred:

Citation : (2013) 11 MP CK 0135

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Advocate : Rajesh Tiwari, Learned Govt. Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rajendra Menon, J.—Petitioner had filed this writ petition on 18.3.2008 and at that point of time it was the grievance of the petitioner that he is working as an Instrument Repairer in Government Polytechnic College, Shahdol. He has adequate qualification, has passed the Diploma in Mechanical Engineering with first class and is working and stagnating on the post of Instrument Repairer for more than 20 years. Inter alia contending that there is no promotional avenue from the post of Instrument Repairer to any other post and further claiming that his representation dated 20th November 2007 for considering his case for promotion to the post of Assistant Work Superintendent is not being considered, this writ petition was filed. By amending the writ petition it is pointed out that in the M.P. Education Department (Technical Branch) Class III (Non Ministerial) Recruitment Rules, 1980 there is no promotional avenue for the post of Instrument Repairer and therefore, some promotional avenue should be created this writ petition is filed and in this regard reliance is placed on the following judgments of the Supreme Court : Raghunath Prasad Singh v. Secretary (Home) Police Department - (1988) SCC Suppl. 519; Council of Scientific and Industrial Research and Another Vs. K.G.S. Bhatt and Another, - to say that an employee should get at least one promotional opportunity in his career. Accordingly, seeking a promotional avenue in the recruitment rules, this petition is filed. As

indicated herein above, even though the matter is pending since 2008 no notice has been issued. Considering the fact that petitioner only seeks for grant of promotion avenue by amendment of recruitment rules, which is a function to be discharged by administrative authorities.

2. Keeping in view the various judgments of the Supreme Court, respondents are directed to consider the feasibility of providing the promotional avenue to the petitioner or consider his case for grant of krammonati or higher pay scale in accordance to the policy of the State Government where no promotional avenues are available. With the aforesaid, for the present, finding no case for interference, this petition is dismissed.