

(2004) 03 AHC CK 0213

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 8746 of 2004

Raju

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-03-2004

Acts Referred:

Citation : (2004) 2 UPLBEC 2086

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : S.S. Pandey, for the Appellant;

Final Decision : Disposed Of

Judgement

Rakesh Tiwari, J.—Heard Counsel for the parties and perused the record.

2. The petitioner was appointed on Class IV posts of Orderly, in the office of District Panchayat Raj Adhikari. The petitioner claims himself to be a Scheduled Caste person. An application was moved by the wife of the petitioner before the respondent No. 3 on 2.1.2003 for promotion according to GO dated 25.4.1977. She also moved a representation on 1.8.2003 before respondent No. 2 inter alia that her husband has been in service for about 10 years and has passed "Uttar Madhyama" in 1998-99 from Sampurna Nand University hence qualified for promotion.

3. It is submitted that "Uttar Madhyama" is equivalent to Intermediate. According to GO dated 21.8.1976, those employees who were less than 45 years of age and have passed High School or equivalent qualification shall be given promotion by reservation of 10% of the post. For ready reference the GO is quoted below :

la[;k 37@1@1969&dkfeZd&2

izs"kd]

Jh vfuy dqekj]

lfpo]

m?kj izns"k "kklu A

lsok esa]

leLr foHkkxk/;{k ,oa izeq[k dk;kZy;k/;{k]

vuqHkkx&2 y[ku? % fnukad 7 vxLr] 1989

fo"k; % lewg ^^?k** ds deZpkfj;ksa ds fy, lewg ^^x** ds fuEure Js.kh ds fyfidh; inksa esa vkj{k.k A

egksn;]

mi;qZDr fo"k; ij tkjh lela[;d "kklukns"k fnukad 31 vxLr] 1982 ?izfrfyfi layXu gS? esa fufgr O;oLFkk ds lEcU/k esa "kklu ds laKku esa ;g rF; yk;s x;s gSaa fd lewg ^^?k** ds deZpkfj;ksa ds fy, lewg ^^x** ds fyfid oxhZ; fuEure Js.kh ds inksa esa vkj{k.k dh tks lqfo/kk "kklu }kjk iznku dh x;h gS mldk vuqikyu leqfpr :i ls ugha fd;k tk jgk gS] ftlls lewg ^^?k** ds deZpkfj;ksa esa vUrks"k O;kIr gS A

2- mijksDr rF;ksa ds ifjizs{; eaas eq>s ;g dgus dk funsZ"k gqvk fd mDr vkns"kkksa dk vuqikyu vius v/khuLFk leLr fu;qfDr izkf/kdkfj;ksa }kjk dM+kbZ ls lqfuf"pr djkus dk d"V djsa rkfd leqg ^^?k** ds deZpkfj;ksa dks vuqeU; mDr lqfo/kk dk ykHk vis{kkuqlkj izkIr gks lds A

layXud% mijksDruqlkj A

Hkonh;]

g- vfuy dqekj]

lfpo A**

4. Promotion is normally a management function and Courts do not interfere in the matter of promotion and this Court cannot give a direction to the respondents to promote the petitioner in Grade-III as Gram Panchayat Adhikari. Counsel for the petitioner submits that in view of GO dated 21.8.1976, above the respondents may be directed to consider the representation of the petitioner for promotion. This writ petition is, therefore, disposed of with direction to the respondent No. 2 to consider the representation of the petitioner for promotion dated 1.8.2003 by a reasoned and speaking order in accordance with law within a period of two months from the date of production of certified copy of this order.