

(2010) 08 MP CK 0055
In the Madhya Pradesh High Court

Smt. Fuljencia Kujur

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 04-08-2010

Acts Referred:

Citation : (2010) 127 FLR 1038 : (2010) ILR (MP) 2504 : (2010) 4 MPJR 101 : (2010) 4 MPLJ 513

Hon'ble Judges : Piyush Mathur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Piyush Mathur, J.

The petitioner complains in this Writ Petition that inspite of being considered for her promotion by the Departmental Promotion Committee, for the post of Head Master, Middle School, the Promotion Order has not been issued in her favour by the respondents for no good or known reasons.

Shri Dudawat Learned Counsel for the Petitioner submit that the petitioner was initially appointed on the post of Assistant Teacher and subsequently vide Order Dated 13.11.2002 (Annexure P/4), she was promoted to the post of Head Master, Primary School (which is equivalent to Upper Division Teacher) and from the date of her promotion, the petitioner is continuously working as Head Master of the Primary School.

Learned Counsel for the Petitioner submit that when a meeting of the Departmental Promotion Committee was convened, the petitioner was found to be eligible for being promoted to the post of Head Master, Middle School and necessary recommendations were made by the Departmental Promotion Committee in her favour, pursuant to which, the District Education Officer, Guna had intimated her vide Letter Dated 10.07.2009 that a Counselling is scheduled to be held on Date 18.07.2009, where the petitioner was directed to remain present at the counselling.

Learned Counsel for the Petitioner makes a grievance that no Counselling was organized on Date 18.07.2009 and no subsequent Date was given to the petitioner for attending the subsequent counselling and suddenly One Promotion Order was issued on Date 28.07.2009 (Annexure P/8), whereby as many as 18 persons were promoted but the petitioner was not promoted inspite of recommendation of the Departmental Promotion Committee.

I have heard Shri Arvind Dudawat, Learned Counsel for the Petitioner and Shri Praveen Newaskar, Learned Dy. Government Advocate and perused the record.

This Writ Petition has been preferred by the petitioner for the redressal of a limited grievance that the respondents should be directed to issue promotion order in favour of the petitioner, on the strength of the recommendation made in her favour by the Departmental Promotion Committee.

Learned Deputy Government Advocate appearing for the respondents/State submit that the case of the petitioner for promotion was certainly considered by the Departmental Promotion Committee and necessary recommendations were made for promoting the petitioner to the post of Head Master, Middle School, but since at the time of holding Counselling on Date 27.07.2009, it was found that the petitioner lack eligibility for promotion to the post of Head Master, Middle School, therefore no orders of promotion could be issued in favour of the petitioner.

The entire Service Jurisprudence and more particularly the M.P. Civil Services (Promotion) Rules, 2002 provide for promoting employees by organizing meeting of the Departmental Promotion Committee and when the candidature of the petitioner gets scrutinized by the Departmental Promotion Committee and recommendation for promotion are made by D.P.C. for promoting the petitioner on the post of Head Master, Middle School, it could not be subjected to further scrutiny at the hands of the District Education Officer and benefit of promotion could not be denied on the ground of appearance or non-appearance of the employee before the authority competent to issue Promotion Order.

Therefore it is evident from the perusal of the documents annexed alongwith the Writ Petition and the reply filed by the respondents that the District Education Officer, Guna was having no jurisdiction or authority to either refrain from issuing promotion order in favour of the petitioner or to simply sit tight over the matter by not issuing Promotion Order, inspite of clear recommendation made by the Departmental Promotion Committee in favour of the petitioner for promoting her to the post of Head Master of the Middle School.

Therefore this Writ Petition is allowed. The respondents are directed to issue formal Promotion Order in favour of the Petitioner for the post of Head Master, Middle School within a maximum period of 15 days from Today, on the strength of the recommendation made by the Departmental Promotion Committee.

With the aforesaid observation, this Writ Petition is allowed and finally disposed

of.