

**Writ Petition No.4522/2015**

**08/04/2015**

Shri P.D. Chaturvedi, learned counsel for the petitioner.

Heard on the question of admission.

The petitioner, a teacher working at Government Middle School, has approached this Court seeking a direction against the respondents to consider his case for promotion on the next post of Head Master, Middle School.

It is contended that the petitioner has not been granted any promotion for the last many years though he is continuously working. It is contended that by memo dated 28.8.2014 a list of those teachers who were found fit to be considered for promotion was circulated, still the claim of the petitioner is not considered, though there are vacancies available. A representation is made by the petitioner, but the same has not been decided. Therefore, this writ petition is required to be filed.

From the perusal of the pleadings in the writ petition, it is not clear as to how the petitioner would be entitled to promotion without even consideration. It is also not clear that any junior to the petitioner is promoted superseding the claim of the petitioner. On his own the petitioner has approached this Court by way of filing W.P. No.2056/2915 seeking a direction to grant him the *krammonnati* since he was not granted promotion.

The said writ petition is disposed of in terms of the order passed in the case of ***Smt. Prerna W/o Shri Pramod Koranne Vs. State of M.P. and Others*** in ***W.P. No.6773/2006*** decided on 26.4.2007. That itself is enough to demonstrate that none of the juniors to the petitioner had been promoted and, therefore, merely because of inclusion of his name in the list of teachers to be considered for promotion, a writ of mandamus cannot be issued directing promotion of the petitioner or to grant the pay scale of promotional post automatically. All that is permissible if the provisions in that respect are made in the statutory service rules.

The writ petition being wholly misconceived deserves to be and is hereby dismissed without notice to the other side.

**(K.K. Trivedi)**  
**Judge**

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