

## HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

SWP No. 64/2011  
CMP Nos. 64/2011 & 2070/2011

Date of Decision:26.04.2012

---

Darshna Devi vs. State of J&K and ors.

---

CORAM:

**Mr. Justice J.P.Singh.**

---

**Appearing counsel:**

For the Petitioner (s) : Mr. P. S. Parmar, Advocate

For the Respondent(s) : M/s Vinod Bakshi, Dy. AG & S. K. Anand, Advocate.

---

- |     |  |   |        |
|-----|--|---|--------|
| i)  | Whether approved for reporting<br>in Press/Journal/Media | : | Yes/No |
| ii) | Whether to be reported<br>in Digest/Journal              | : | Yes/No |
- 

### **Judgment**

The petitioner, a Senior Assistant in the office of General Manager Ranbir Government Press, Jammu was adjusted as Head Assistant temporarily without any Charge Allowance vide Office Order No. 104 dated 22.06.2009. She was, however, later allowed Charge Allowance despite her not qualifying the Secretariat Assistant Course. Passing of the Secretariat Assistant Course being essential under Rules governing the Service, she was reverted as Senior Assistant, the post substantively held by her, for her failure to qualify the Secretariat Assistant Course, though attempted twice. She has approached this Court questioning General Manager, Ranbir Government Press, Jammu's Order No. 422 dated 01.01.2011 whereby she was reverted as Senior Assistant and respondent No. 3 adjusted as Head Assistant.

According to the petitioner's learned counsel, the petitioner was substantively promoted as Head Assistant and her reversion without affording her opportunity of hearing, was illegal. Respondent No. 3's promotion as Head Assistant is questioned on the ground that being junior to the petitioner, she could not be promoted as Head Assistant.

I have considered the submissions of the learned counsel for the parties and perused their pleadings.

In terms of the Rules in force governing the method of recruitment to the post of Head Assistant in different Departmental Subordinate Service Recruitment Rules, as amended vide SRO 272 of September 19, 2008, a Senior Assistant can be considered for promotion as Head Assistant only if he had qualified the Secretariat Assistant Course. Passing of the Secretariat Assistant Course is, however, not essential eligibility condition in case of those Senior Assistants who had crossed 50 years of age as on 1<sup>st</sup> day of January of the year in which promotions were contemplated.

The petitioner's plea that she was promoted as Head Assistant and could not, therefore, be reverted without providing her opportunity of hearing proceeds on a misconception, in that, not only the documents placed by the State-respondents on records, but the petitioner's own documents too indicate that she was never substantively promoted as Head Assistant and all that the material placed on records reveal that she had only been *adjusted* as Head Assistant and that too on temporary basis.

In this view of the matter, having not been promoted substantively as Head Assistant and even otherwise being

ineligible for promotion as such, having failed to qualify the Secretariat Assistant Course, which position was not controverted by the petitioner's learned counsel, the petitioner's Claim to promotion as Head Assistant is untenable.

Her reversion against the substantive post of Senior Assistant for her failure to qualify the Secretariat Assistant Course cannot, therefore, be faulted.

Her challenge to respondent No. 3's promotion as Head Assistant too is without substance, firstly because being ineligible for promotion as Head Assistant, the petitioner cannot question respondent No. 3's adjustment as such and secondly because respondent No. 3 has not yet been substantively appointed as Head Assistant and even otherwise having qualified the Secretariat Assistant Course, her adjustment as Head Assistant in her own pay and grade on temporary basis does not in any way affect, any enforceable right of the petitioner.

For all what has been said above, petitioner's Writ Petition is found without merit, hence dismissed lifting interim order dated 14.01.2011.

**(J. P. Singh)**  
**Judge**

**JAMMU**

**26.04.2012**

Parshant Sharma

