

Dinesh Kumar Sharma Vs. State & Ors.

CWP No. 13260/2024

21.06.2025 Present: Mr. Sanjeev Bhushan, Sr. Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Y.P.S. Dhaulta, Mr. L.N. Sharma, Additional Advocates General with Ms. Leena Guleria, Ms. Menka Raj Chauhan and Mr. Sikander Bhushan, Deputy Advocates General, for the respondents.

CMP No.13390/2025

Heard.

The petitioner is serving as Medical Officer in the respondent-Health Department. One post of Assistant Professor (ENT) in Indira Gandhi Medical College, Shimla (IGMC) became available on account of promotion of Dr. Bhushan Lal, Assistant Professor to the post of Associate Professor on 16.08.2022.

2. According to the petitioner, resultant vacancy in the cadre of Assistant Professor (ENT) in IGMC, Shimla, was required to be filled up through promotion, for which, the respondents had also initiated process in terms of Annexures P-2 & P-3 and petitioner was found to be only eligible candidate amongst GDOs working in the respondent-department for the post in question.

However, the promotional process was not taken to its logical conclusion. According to the stand taken by the respondents in their reply, some representations were received

by them that the post in question was required to be filled up through direct recruitment, hence, for deliberating the issue, they did not take the process for filling up the post in question through promotion, to its logical conclusion.

Feeling aggrieved, the petitioner thereafter preferred this writ petition on 16.11.2024.

3. The stand of the respondents in the reply is that the matter of filling up the vacancy, consequent upon promotion of Dr. Bhushan Lal, is still under deliberation.

4. In the interregnum, one more post of Assistant Professor has now become available on account of promotion of Dr. Ishan Chauhan, Assistant Professor (ENT) to the post of Associate Professor in February 2025. Petitioner's immediate grievance in this application is that the respondents now intend to fill up the post vacated by Dr. Ishan Chauhan through promotion and taking this post's availability in February 2025, intend to consider all those incumbents, who had become eligible till February 2025. The respondents have not denied in their reply filed to the application that they intend to do so. In the given facts and circumstances, when the post, which became available on account of promotion of Dr. Bhushan Lal on 16.08.2022 is still lying vacant, the contentions raised for the petitioner that the aforesaid post was required to be filled up by promotion from the candidates, who were eligible as on that date, cannot be discarded at this stage. Allowing the

respondents to proceed for making promotion to the post of Assistant Professor (ENT), which became available in February 2025, by considering all eligible candidates as on date of occurrence of this vacancy, would cause irreparable loss and injury to the petitioner. Hence, the respondents are directed not to make promotion to the post of Assistant Professor (ENT) in IGMC Shimla that became available in February 2025 consequent upon promotion of Dr. Ishan Chauhan to the post of Associate Professor, without leave of the Court. Application to stand disposed of.

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List for hearing on **23.07.2025.**

Jyotsna Rewal Dua
Judge

21st June, 2025 (rohit)