

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 1672/2012

Mahesh Joshi S/o Shri Shankar Lal Joshi, aged about 42 years,
resident of Near Chaineshwar Mahadev Mandir, Chand Bawdi,
Jodhpur

-----Petitioner

Versus

1. State of Rajasthan, through the Principal Secretary,
Department of Home Affairs, Jaipur.
2. Director Inspector of Police, Rajasthan (Jaipur)
3. Inspector General of Police (Intelligence), Rajasthan (Jaipur)
4. Superintendent of Police (Intelligence), Rajasthan (Jaipur)

-----Respondents

For Petitioner(s)	:	Mr. Himanshu Shrimali Mr. Harish Jangid
For Respondent(s)	:	Mr. Sandeep Soni for Mr. B.L. Bhati, AAG Mr. Shailendra Kumar for Mr. Ritu Raj Singh Bhati

HON'BLE MS. JUSTICE REKHA BORANA

Order

16/07/2025

1. The matter has been listed in the category of 'Oldest Cases for Early Disposal'.
2. Vide the present petition, a challenge to order impugned dated 11.03.2008 (Annex.4) has been laid.
3. The case of the petitioner is that although he being eligible to be promoted, had not been granted promotion on the post of Sub Inspector whereas one Smt. Sudesh Kumari, who did not even appear in the examination for the selection process qua the promotional post, was granted promotion vide the order impugned.

4. Vide interim order dated 02.03.2012, the respondents were directed to consider the case of the petitioner provisionally for promotion on the post of sub Inspector.

5. It is an admitted position that in pursuance to order dated 02.03.2012, the petitioner was promoted provisionally on the post of Sub Inspector qua the vacancies of 2007-08.

6. So far as Sudesh Kumari is concerned, it is the specific case of the respondents that she was not granted promotion qua the vacancies of year 2007-08. Rather, she had participated in the selection process for promotion qua the vacancies of 2003-04 itself and had even succeeded and only because she could not complete the Promotional Cadre Course (PCC), her name was not reflected in the promotional list qua the year 2003-04. However, she subsequently completed the course and was granted promotion qua the vacancy of 2003-04. It is only because of the said fact that her name was included in the list/order dated 11.03.2008. In fact she was granted promotion qua vacancy of 2003-04 and consequently, only one vacancy remained qua the year 2007-08. Order reflecting the grant of promotion to Sudesh Kumari qua vacancy of 2003-04 has been placed on record.

7. After hearing the counsels and perusing the record, this Court is of the opinion that when it is an admitted case that Sudesh Kumari had been granted promotion qua the vacancy of 2003-04, one vacancy qua the year 2007-08 did subsist. The petitioner been in merit is not disputed. Therefore, the petitioner deserved to be granted promotion qua the said existing vacancy.

8. Order dated 31.12.2012 whereby the petitioner was granted provisional promotion, is therefore, hereby made absolute. The

respondents are directed to pass appropriate orders to the effect that the said provisional order of promotion shall be a final order of promotion with effect from the date as assigned in order dated 13.12.2012.

9. The consequential orders shall follow and if, by virtue of the promotion been granted to the petitioner on the post of sub Inspector qua vacancy of 2007-08, he is found entitled for consideration for further promotion, the same shall be done.

10. The writ petition is hence **disposed of** with the above directions.

11. Stay petition and pending applications, if any, stand **disposed of**.

(REKHA BORANA),J