



CGHC010284842026

2026:CGHC:34041



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3851 of 2026

1 - Aashish Dev Soni S/o Shri R. K. Soni Aged About 43 Years
Rashtriya Pravakta, Rashtriya Mazdoor Congress (I.N.T.U.C.), Office
Opposite Mahaveer School, Gudhiyari, Raipur, C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Principal Secretary, Aadim Jati
Tatha Anusuchit Jati Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Atal
Nagar, Nava Raipur, C.G.

2 - The Commissioner Aadim Jati Tatha Anusuchit Jati Vikas, Indravati
Bhawan, Atal Nagar, Nava Raipur, C.G.

3 - Shri Tarkeshwar Devangan Apar Sanchalak, Pariksha Poorv
Prashikshan Kendra, Bilaspur, C.G.

... Respondent(s)

For Petitioner(s)	:	Mr. Virendra Kashyap, Advocate and Mr. Himanshu Yadu, Advocate.
For Respondent(s)/ State	:	Mr. Shobhit Mishra, Dy. G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05/08/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

“i. Issue a Writ of Quo Warranto directing Respondent No.3 Shri Tarkeshwar Devangan to show by what authority he holds the post of Apar Sanchalak under Impugned Promotion Order No. F-1-69/2024/25-1 dated 17.01.2025.

ii. Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing and setting aside the Impugned Promotion Order No. F-1-69/2024/25-1 dated 17.01.2025 (Annexure P/1);

iii. Pass any other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the impugned promotion order granting promotion to Respondent No. 3 is wholly illegal, arbitrary and unsustainable in law, as the same was issued despite the

undisputed pendency of two Lokayog proceedings, namely Case Nos. 22/2019 and 68/2022, involving serious allegations of financial irregularities and misconduct against Respondent No. 3. It is contended that, at the time the Departmental Promotion Committee (DPC) considered the case of Respondent No. 3, an adverse investigation report dated 20.12.2024 had also been submitted by the Collector, disclosing prima facie violations in the discharge of official duties. However, neither the pendency of the Lokayog proceedings nor the said investigation report was placed before the DPC, and the mandatory sealed cover procedure was not followed, thereby vitiating the entire decision-making process. It is further submitted that the action of the respondents is in complete violation of the law laid down by the Hon'ble Supreme Court in *Union of India v. K.V. Jankiraman*, (1991) 4 SCC 109, as well as the provisions contained in Rules 7(5), 7(6) and 7(8) of the Chhattisgarh Public Services (Promotion) Rules, 2003. Learned counsel further argues that the subsequent closure of one of the Lokayog proceedings cannot retrospectively validate or cure the illegality attached to the promotion order, as the

legality of the promotion has to be examined with reference to the facts and circumstances prevailing on the date when the DPC convened and the promotion order was issued. It is also submitted that, in the other Lokayog proceeding, findings of misconduct have already been recorded against Respondent No. 3 with a recommendation for initiation of departmental disciplinary proceedings, which further reinforces the petitioner's challenge to the impugned promotion. It is, therefore, prayed that the impugned promotion order deserves to be quashed and set aside, and the respondents be directed to convene a fresh DPC after placing the complete service record of Respondent No. 3 before it and after following the procedure prescribed under law.

3. Per contra, learned counsel appearing for the State opposes the submissions advanced on behalf of the petitioner and contends that the present writ petition is not maintainable either in law or on facts. It is submitted that the petitioner has no enforceable legal right to question the promotion of Respondent No. 3 in the manner sought and that no interference is warranted by this Court in exercise of its extraordinary jurisdiction under Article 226

of the Constitution of India. It is, therefore, prayed that the writ petition, being devoid of merit, deserves to be dismissed.

4. Having heard learned counsel for the parties and having perused the material available on record.
5. Considering the facts and circumstances of the case, and further taking into consideration that the petitioner is neither an aggrieved person nor a candidate claiming any right to the promotional post, but is merely a third party having no legally enforceable right or locus standi to challenge the promotion of Respondent No. 3, this Court is of the considered opinion that the present writ petition is not maintainable. The challenge has been made by way of a writ petition which does not arise out of any service dispute concerning the petitioner himself, nor does it involve the enforcement of any personal or statutory right vested in him. In the absence of any infringement of the petitioner's legal or fundamental rights, he cannot be permitted to question the service benefits or promotional rights of another employee. Viewed from both these perspectives, namely, the absence of locus standi and the non-maintainability of the

writ petition in the facts of the present case, this Court finds no merit in the petition.

6. Accordingly, the writ petition, being devoid of substance and merit, deserves to be and is hereby **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge