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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 394 of 2015**

Shivraj Singh S/o Shri Prahlad Singh, aged about 45 years, Occupation Constable, Resident of CMIG 68 Nehru Nagar, Budhwari P.S. Balco Nagar, District Korba, Civil & Revenue Korba, District Korba, Chhattisgarh.

---- Appellant.**Versus**

1. State of Chhattisgarh, through the Secretary, Home and Police Affairs, Mahanadi Bhawan, New Mantralay, Raipur, Chhattisgarh.
2. The Director General of Police, Police Head Quarter, District Raipur, Chhattisgarh.
3. The Inspector General of Police, Bilaspur Range, District Bilaspur, Chhattisgarh.
4. The Superintendent of Police, Korba, District Korba, Chhattisgarh.
5. Baldev Singh Occupation Constable No. 268
6. Manoj Kumar Occupation Constable No. 132.
7. Kripashankar Dubey Occupation Constable No. 299.
8. Ishwar Singh, Occupation Constable 319
9. Praveen Nardey, Occupation Constable No. 308
10. Ramkumar Pandey Occupation Constable No. 340.

The Respondent No. 5 to 10 is constable posted in the police department under the office of Superintendent of Police P.S. Balco, District Korba, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Punit Ruparel, Advocate
For Respondent/State	:	Shri UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****16/09/2015**

1. Heard Learned Counsel for the Appellant and the Respondent/State.
2. The Appellant appeared at the promotion test from Constable to Head Constable and sought re-evaluation of his answer sheet opining that in accordance with his preparation, he ought to have secured more marks and qualified. The first attempt in Writ Petition (S) No. 4339 of 2014 was unsuccessful when he withdrew the writ petition to file a representation before the authorities.

3. It is a matter of common practice that when a litigant is unable to persuade the Court to interfere, he prefers to withdraw the writ petition rather than to obtain an adverse verdict. If the writ petition was withdrawn and he files a representation and relief follows so much the better for him. But in such a situation, any fresh order on the representation does not create a fresh cause of action which stood extinguished when the first writ petition was withdrawn as held in (2008) 10 SCC 115 (C. Jacob v. Director of Geology & Mining).

4. Merely because the Court may have used the word 'liberty' at the end, it will not suffice to furnish a fresh cause of action when there has been no change in the law substantially prohibiting re-evaluation of the answer sheets unless there be a statutory provision to that effect. The Learned Single Judge in the impugned order dated 7.4.2015 has applied the correct law in that regard relying upon relevant precedents. We find no reason to interfere with the order under appeal.

5. Delay of 54 days in filing the appeal is condoned. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE