

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2642 OF 2016**

Anil Kumar Nishad S/o Late Shri Sitaram Nishad, aged about 25 years,  
Presently working as Head Constable (M) in CTJW College, Kanker, District  
Kanker (C.G.)

**---- Petitioner****Versus**

1. State of Chhattisgarh, through Secretary Department of (Home) Police,  
Mantralaya Mahanadi Bhawan, New Raipur (C.G.)
2. Director General of Police, Police Headquarter Raipur (C.G.)
3. Additional Director General of Police, (CAF), Police Headquarter  
Raipur (C.G.)
4. Inspector General of Police (CAF), Police Headquarter Raipur (C.G.)
5. Commandant CTJW, College, Kanker, District Kanker (C.G.)

**---Respondents**


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|-----------------------|---|-------------------------------------------|
| For Petitioner        | : | Mr. Sushil Dubey, Advocate                |
| For Respondents-State | : | Mr. Raj Kumar Gupta, Dy. Advocate General |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order on Board****05/07/2016**

1. Heard on admission.
2. This petition has been filed by the petitioner seeking direction to respondents to consider his case for promotion to the post of Assistant Sub Inspector (Ministerial) on the basis of provision contained in Clause -4 of circular dated 25/02/2003 (Annexure P-2).
3. Clause-4 of the Circular dated 25/02/2003 (Annexure P-2) shows that Head Constable (Ministerial) shall be considered for promotion against 25% vacant posts of Assistant Sub Inspector (Ministerial). However, in those

Units, where category of Class IV posts are not sanctioned, this provision will not apply and all the posts of Assistant Sub Inspector (Ministerial) shall be filled up by direct recruitment.

4. The petitioner would get benefit of promotion, in the event, there are sanctioned Class-IV posts. Either in the petition or in the representation, there is no specific averment made in this regard, therefore, no direction can be issued by this Court. The respondent No. 5 may examine the sanctioned vacant post in the Unit, particularly with regard to the Class-IV posts and in future, if there exists any vacancy, the claim of the petitioner may be considered according to circular dated 25/02/2003.

5. With the aforesaid observations, the petition is finally disposed off.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge