

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5863 of 2008**

- Ramdayal Verma, aged about 39 years, S/o Shri Ramawatar Verma, Assistant Grade-III, O/o Directorate of Industries, LIC Building, Second Floor, Commercial Complex, Raipur (CG)

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

1. The State of Chhattisgarh, through the Secretary, Commerce and Industries Department, Mantralay, DKS Bhawan, Raipur (CG)
2. The Commissioner, Directorate of Industries, LIC Building, 2<sup>nd</sup> Floor, Commercial Complex, Raipur (CG)
3. Mr. Narendra Kumar Sahu, Assistant Manager, District Trade and Industries Center, Bilaspur (CG)

**---- Respondent**

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For Petitioner : None.  
For Respondent/State : Shri SK Mishra, Panel Lawyer.

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****04/07/2019 :**

1. Prayer in this writ petition is for quashing the impugned promotion order dated 28.6.2008 (Annexure-P/1) and to promote the petitioner on the post of Assistant Manager from the date of issuance of promotion order dated 28.6.2008.
2. By the impugned order, the Directorate of Industries, Chhattisgarh has appointed 8 persons on the post of Assistant Manager. The said appointment was made pursuant to their names having been figured in the select list drawn in pursuance of the Limited Competitive Examination (for

short 'LCE'). However, the petitioner is treating the said LCE as promotion from amongst the departmental candidates in accordance with seniority.

3. Return filed by the respondents would demonstrate that in the LCE, the candidates were required to appear in two question papers of 50 marks each with minimum passing mark of 50%. The scheme of the LCE was published in the official gazette which has been filed as Annexure-R/1. It is also stated that the petitioner secured only 18 marks out of 50 marks in the first question paper, therefore, he was not qualified as per clause 4 (2) of the LCE scheme and as such, he was not eligible for promotion on the basis of LCE.
4. The petitioner's reliance on the provisions of Promotion Rules, 2003 is thoroughly misplaced for the simple reason that the subject promotion is governed by the recruitment rules namely, Udyog Sanchanalaya Ki Lipik Vargiya Sewao Se Seemit Pratiyogi Pariksha Dwara Nirikshako Ke Pad Bharne Ki Scheme.
5. The petitioner is not challenging the scheme itself. Therefore, once having appeared in the LCE, it is not open for the petitioner to take somersault and start challenging the promotion order relying on the said rules.
6. For the foregoing, there is no substance in the writ petition, the same deserves to be and is hereby dismissed.

Sd/-  
**Judge**  
(Prashant Kumar Mishra)