

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8670 OF 2018

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner as well as Government Pleaders appearing for the respondents had contended that the issue raised in this writ petition is squarely covered by the common order passed by this Court in W.P.Nos.34635 and 34793 of 2017, dated 20.10.2017, whereby a Division Bench of this Court has set aside the impugned order of the Tribunal and directed the respondents to consider the case of the petitioners for promotion to the post of Head Constable without insisting on the purported minimum height subject to their satisfying eligibility criteria in respect of all other aspects.

Learned counsel for the petitioner further contended that in view of the aforesaid order, the petitioner is entitled for promotion to the post of Head Constable with all consequential benefits and the impugned rejection order dated 16.02.2018 is liable to be set aside and also the respondents be directed to consider the case of the petitioner for promotion to the post of Head Constable strictly in terms of the Rules.

This Court, having considered the above submissions, is of the considered view that the impugned order dated 16.02.2018 is liable to be set aside as the same is contrary to the law laid down by this Court in the aforesaid order, and the same is accordingly set aside. The

respondents are directed to consider the case of the petitioner for promotion to the post of Head Constable on par with his juniors, in accordance with Rules, with all consequential benefits, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

23rd October, 2019
v v

