

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 3433 of 2009**

Madholal Patel, S/o Govind Ram Patel, Aged about 49 years, Working as Constable at District Special Branch (Zila Vishesh Shakha), Raigarh, Distt. Raigarh, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through Director General of Police, Special Branch, Police Head Quarters, Raipur, Distt. Raipur, Chhattisgarh.
- 2.Assistant Director General of Police, Crime Investigation Department and Chairman, Departmental Promotional Committee, Police Head Quarter, Raipur.
- 3.Superintendent of Police, Raigarh, Distt. Raigarh, Chhattisgarh.

--- Respondents

For Petitioner :- Mr. K.N. Nande, Advocate
For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/08/2021

- 1.This writ petition has been filed by the petitioner seeking quashment of impugned order dated 20/10/2008 (Annexure P/9) and also relief

has been sought for directing the respondents to permit the petitioner to appear in the Departmental Promotional Examination held by Special Branch of Constable to Head Constable Grade 'A' and for directing the respondents to absorb the services of the petitioner in Special Branch looking to the length of his service in the Special Branch.

2. Return has been filed stating inter alia that petitioner is a constable appointed by the State Police Force and additional affidavit has also been filed now that he has already been promoted on the post of Head Constable on 14/05/2012 (Annexure R/1), as such, this petition has become infructuous.

3. Mr. K.N. Nande, learned counsel for the petitioner, would submit that petitioner is a member of Special Branch of District Raigarh, therefore, he ought to have been permitted to appear in the Departmental Promotional Examination of Special Branch for the post of Head Constable, as such, petitioner is entitled for the reliefs claimed by him.

4. Mr. Ravi Bhagat, learned State counsel, would submit that during the pendency of the writ petition, petitioner has already been appointed as a Head Constable in the District Police Force as per the list published on 12/10/2011 and accordingly, he has been appointed as a Head Constable Grade B by order dated 14/05/2012 (Annexure R/1), which he has accepted and joined his services on the promoted post, therefore, he is not entitled for any relief and the instant petition has become infructuous.

5. I have heard learned counsel for the parties at length and perused the records.

6. True it is that petitioner was appointed as Constable on 12/06/1984 (Annexure P/1) in the District Police Force and by order dated 17/08/1988 (Annexure P/2), his services have been transferred to the District Special Branch. Thereafter, on 12/11/1997 (Annexure P/4), the petitioner was again sent in the District Police Force and it is the claim of the petitioner that he appeared in the Departmental Promotional Examination on 24/11/2007 but by order dated 20/10/2008 (Annexure P/9), it has been held that petitioner is not a member of the Special Branch

rather he is a member of the District Police Force and he has not been absorbed in the Special Branch, therefore, he cannot be permitted to appear in the said Promotional Examination, which has been called in question herein.

7. During the pendency of this writ petition, promotion proceeding has been conducted and petitioner's name has been included at serial No. 1 in the merit list of District Police Force published on 12/10/2011 and thereafter, on 14/05/2012, he has been promoted on the post of Head Constable Grade B and posted in the District Special Branch, Raigarh which he has accepted and joined his services on the promoted post on 16/05/2012. Therefore, since the petitioner has already been promoted on the post of Head Constable which he has joined on 16/05/2012, the impugned order dated 20/10/2008 (Annexure P/9) cannot be directed to be quashed. However, petitioner has also claimed absorption in the District Special Branch for which he is at liberty to make representation before the respondents within three weeks from today which

will be decided within 45 days from the date of filing of the representation.

8. With the aforesaid direction, this writ petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet