

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2878 of 2021

1. Anurima Toppo W/o Santosh Kumar Aged About 34 Years Occupation Naib Tehsildar, Posted At Up Tehsil Korar, District Uttar Bastar Chhattisgarh, R/o House No. 4, Four Building, Near Krishna Tawkies, Pragati Nagar, Risali, Bhilai, District Durg Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Chief Secretary, Mantralaya , Mahanadi Bhawan, Nava Raipur , Atal Nagar, District Raipur Chhattisgarh.
2. The Secretary Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. The Secretary General Administrative Department. Mantralaya, Mahanadi Bhawan, Nava Raipur , Atal Nagar, District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Rohit Sharma, Advocate.
For State	:	Shri Amrito Das, Addl. Advocate General.
For Intervenor-Raj Kumar	:	Shri C Jayant K Rao, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.06.2021

1. The present writ petition has been filed claiming for appropriate direction to the respondents to strictly adhere to the promotion rules applicable for filling up of the post of Tehsildar lying vacant under the respondents.
2. The counsel for the petitioner submits that as per the gradation list published by the department the petitioner is among those persons who are senior most Naib Tehsildars and that she is appointed in the year, 2016. It is the contention of the petitioner that the minimum length of service required for being considered for promotion to the post of Tehsildar is five years and that experience has to be the service rendered as Naib

Tehsildar in terms of the rules applicable. The petitioner have an apprehension that the State Govt. may relax the rules for promotion so far as the minimum length of service required for promotion in a manner that may give advantage to the promotee Naib Tehsildars who stand promoted from the post of Revenue Inspector/Assistant Grade-II/Patwari and thereby taking the ACRs of those promotee Naib Tehsildars during the period which they had rendered their service on the lower post, other than the feeder post of Naib Tehsildar.

3. At this juncture, the counsel for the State referring to the rules governing the field pointed out that under the rules it is specifically mentioned that the experience required for promotion has to be on the post of Naib Tehsildar alone. That as of now there is no decision of the respondents/State deviating from the said rules, nor has there been any relaxation given in this regard for any future promotions that has to be made. It has also been stated by the State counsel that even if taking into consideration the administrative exigency if the State Govt. relaxes any of the conditions for filling up of the promotional post of Tehsildar, that relaxation would be uniformly applicable to all the persons already there in the feeder post and there is no reasons whatsoever for the petitioner as on date to have any apprehension in this regard, of their interest being prejudiced in any manner.
4. Given the said statement, this court is of the opinion that as of now there is nothing for this court to adjudicate upon in the present writ petition. It is expected that in the event of the respondents initiating promotion process the rules governing the field would be strictly adhered to and even if the government for some reason goes in for some relaxation so far as the

eligibility criteria is concerned, the same should also be in a manner taking into consideration that the benefits would be applicable to all the persons on the feeder post as on date in the gradation list subject to their fulfilling the other eligibility criteria.

5. With the aforesaid observations the writ petition as on date stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder