

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4653 of 2021**

1. Sunil Kumar Yadav S/o Shri Ramprasad Yadav Aged About 39 Years Working As Head Constable At Traffic Section Kawardha, District Kabirdham, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary Home Department, Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.
2. Director General Of Police, Police Head Quarter, Atal Nagar, Nava Raipur, District Raipur, District Raipur, Chhattisgarh.
3. Inspector General Of Police Range - Durg, District Durg, Chhattisgarh.

----Respondents

For Petitioner	:	Shri Somkant Verma, Advocate
For State	:	Shri Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31.08.2021**

1. At the outset, counsel for the petitioner submits that against the recent order of the respondent-authorities initiating proceedings for conducting of a fresh Departmental Promotion Examination, the grievance of the petitioner has arisen leading to the filing of the present writ petition.
2. According to the Counsel for the Petitioner, petitioner had participated in the Department Promotion Examination conducted in the year 2018. According to the counsel for the petitioner, the respondents have been time and again issuing promotion orders right from the year 2018 onwards periodically appointing many persons from the said examination who were meritorious by promoting them to the post of

Assistant Sub-Inspector. The last promotion order was issued on 20.07.2021 and immediately thereafter now the respondents have issued order for go in for a fresh departmental promotion examination vide Annexure P/4 dated 07.08.2021.

3. The contention of the petitioner is that in-spite of there being vacancies available and the petitioner being found meritorious in the said examination conducted in the year 2018, there was no reason why the respondents should not have issued order of promotion in favour of the petitioner. Therefore, as of now the representation which the petitioner has preferred to the respondents be decided at the earliest.
4. Learned counsel for the State on the other hand submits that in the present promotional process initiated vide Annexure P/4 dated 07.08.2021, the petitioner can still participate and if he is again successful, he can still be considered for promotion.
5. The State Counsel further submits that in any case, the previous examination for departmental promotion was conducted in the year 2018, it is now more than three years therefore the respondents cannot be said to have taken an arbitrary decision for going for a fresh promotional examination, since it is being convened after more than three years.
6. Nonetheless, the State counsel submits that in the event if the petitioner has preferred a representation, the same shall be considered on its own merits in accordance with the Rules governing the field.
7. Given the entire facts and circumstances of the case, this Court is of the opinion that as of now the writ petition can be disposed of directing

the respondents No. 2 & 3 to take a decision on the representation of the petitioner at the earliest preferably within a period of 60 days from today.

8. Accordingly, the writ petition stands disposed of.

Sd/-

**P. Sam Koshy
Judge**

J-