

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4697 of 2021

1. Smt. Disha Singh Rajput W/o Shri Abhishek Singh Rajput, Aged About 41 Years Working As Head Constable At S.I.B., Pendra Road, District Gourela-Pendra-Marwahi (Chhattisgarh)
2. Smt. Vijya Kaiwartya W/o Shri Sohan Kaiwartya, Aged About 43 Years Working As Head Constable At Ajk, Kawardha, District Kabirdham (Chhattisgarh)
3. Smt. Jyoti Rakesh, W/o Shri Santosh Sinha, Aged About 35 Years Working As Head Constable At Dcrb, Office Of Suprintendent Of Police, Kabirdham, District Kabirdham Chhattisgarh
4. Doman Banjare, S/o Shri D.R. Banjare, Aged About 36 Years Working As Head Constable At Police Station Kukdur, District Kabirdham Chhattisgarh
5. Mukesh Kumar Sahu S/o Shri E.K. Sahu, Aged About 37 Years Working As Head Constable At Police Station City Kotwali, Kawardha, District Kabirdham Chhattisgarh
6. Birbal Sahu, S/o Shri Pati Ram Sahu, Aged About 38 Years Working As Head Constable At Police Station S. Lohara, District Kabirdham (Chhattisgarh)
7. Kamal Narayan Verma, S/o Shri J.R. Verma, Aged About 42 Years Working As Head Constable At Sib, District Kabirdham (Chhattisgarh)

---- Petitioners

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 Chhattisgarh
3. Inspector General Of Police, Range Durg, District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate.
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07/09/2021

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/7 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/7 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. Respondent authorities are further directed to ensure that the representations of the petitioners are decided ahead of the finalization of fresh departmental examination that is being conducted for promotion from the post of Head Constable to the post of Assistant Sub Inspector.
9. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit