

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4764 of 2021**

1. Ganesh Chauhan S/o Lt. Mohan Lal Chauhan, Aged About 49 Years Posted As Head Constable No. 732, Police Station Somni, District - Rajnandgaon, Chhattisgarh
2. Shabbir Khan, S/o Lt. Wajid Khan, Aged About 56 Years Posted As Head Constable No. 471, Police Station Dongargaon District - Rajnandgaon, Chhattisgarh
3. Heman Kumar Borkar, S/o Lt. Ramesh Kumar Borkar Aged About 47 Years Posted As Head Constable No. 720, Police Station Ambagad, District - Rajnandgaon, Chhattisgarh
4. Anil Kumar Yadav, S/o Lt. Lalla Singh Aged About 38 Years Posted As Head Constable No. 225, Police Station Kotwali, District - Rajnandgaon, Chhattisgarh
5. Jitendra Kashyap, S/o Rambharosa Kashyap, Aged About 37 Years Posted As Head Constable No. 876, Police Station Gandai, District - Rajnandgaon, Chhattisgarh
6. Dev Kumar Rawte, S/o Lt. Bihau Ram Rawte, Aged About 52 Years Posted As Head Constable No. 461, Police Station Gandai, District - Rajnandgaon, Chhattisgarh
7. Harish Tembhurkar, S/o Lt. J.R. Tembhurkar, Aged About 47 Years Posted As Head Constable No. 626, Police Station Ghumka, District - Rajnandgaon, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Home Affairs, 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, 32 Bunglow, District Durg, Chhattisgarh

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For Petitioners	:	Mr. Sachidanand Yadav , Advocate
For State	:	Mr. Amit Buxy, PL

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

01/10/2021

1. Aggrieved by the impugned order Annexure P-1 the present writ petition has been filed by which the representation of petitioners in respect of their claim for promotion from the post of Head Constable to the post of ASI has been rejected.
2. The contention of petitioners was that they had participated in the previous promotion process that was convened in the year 2018 and their name also stood reflected in the select list published on 12.05.2018. However, thereafter, the petitioners have not been issued with an order of promotion and now the new promotion process has been initiated and the petitioners are being forced to undergo the entire promotion process afresh in the light of the new SOP issued by the respondents in the year 2021.
3. A similar issue cropped up before this Court on 28.09.2021 wherein the learned Additional Advocate General had entered appearance and made a categorical statement that the candidates who were found eligible in the previous promotion process that was convened by the respondents would be considered for grant of promotion ahead of those candidates who would be selected in the subsequent promotion process. Learned Addl. Advocate General had also produced a clarification issued in this regard by the Police Headquarters dated 15.09.2021 whereby the respondents themselves have clarified the stand and held that the select list which was published from the previous promotion process would not lose its validity period and it would remain in force for the purpose of filling up of the vacancies that arises from time to time in the respective categories to which the petitioners belong. That their candidature would be considered ahead of all those candidates who would be selected from the subsequent selection process. The stand of the State also was that all those who have cleared the departmental

promotion process in the previous examination that was conducted need not participate in the further promotion examination that would be conducted by the department as the claim of the petitioners and all similarly placed persons would stand protected for all time to come.

4. The writ petition, in terms of the stand of the State in WPS No.2182/2020 decided on 28.09.2021, deserves to be and is accordingly allowed. The impugned order Annexure P-1 is set aside/quashed. The respondents are directed to ensure that subject to the availability of vacancies and the petitioners being meritorious as also placed in accordance with the seniority in the select list, be considered for promotion forthwith.
5. The writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit