

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5246 OF 2021**

1. Moti Lal Surywani, S/o Late Mr. Banafar Suryvansi, aged about 57 years, posted as Head Constable No.651, Police Station Mohala, District Rajnandgaon (C.G.)
2. Ishwar Parasad Yadav, S/o Late Ram Prashad Yadav, aged about 54 years, posted as Head Constable No.491, Police Station Dongargaon, District Rajnandgaon (C.G.)
3. Rishabh Kumar Thakur, S/o Late P.R. Thakur, aged about 50 years, posted as Head Constable No.653, Police Station Mohala, District Rajnandgaon (C.G.)
4. Pukharaj Deshmukh, S/o Late Ramadheer Deshmukh, aged about 56 years, posted as Head Constable No.455, Police Station Rajnandgaon, District Rajnandgaon (C.G.)
5. Arvind Kumar Singh, S/o Late Mr. Parashu Ram, aged about 51 years, posted as Head Constable No.692, Police Station Salhewara, District Rajnandgaon (C.G.)
6. Dhan Singh Mahilange, S/o Late Mr. Kacharu Mahilange, aged about 55 years, posted as Head Constable No.672, Police Station Dongargarh, District Rajnandgaon (C.G.)

... Petitioners**versus**

1. State of Chhattisgarh, through the Secretary, Department of Home Affairs, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (C.G.)
2. Director, General of Police, Police Head Quarter, Atal Nagar, Nava Raipur, District Raipur (C.G.)
3. Inspector General of Police, Range Durg, 32 Bunglow, District Durg (C.G.)

... Respondents

For Petitioners	:	Mr. Siddharth Tiwari , Advocate.
For Respondents	:	Mr. Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[04/10/2021]**

1. The present Writ Petition has been filed by Petitioners against Order dated 3.9.2021 whereby Respondent No.2 has issued the fresh schedule for conducting of the Departmental Promotion Examination 2021.

2. Contention of learned Counsel for Petitioners is that the Petitioners had participated in the previous promotion process that was convened in the year 2018 and their names 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 Respondents in the year 2021.

3. A similar issue had cropped up before this Court in W.P.(S) No.2182/2020 decided on 28.9.2021 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 Respondents would be considered for grant of promotion ahead of those candidates who would be selected in the subsequent promotion process. Learned Additional Advocate General had also produced a clarification issued in this regard by the Police Headquarters, dated 15.9.2021, whereby 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 arise from time to time in the respective categories to which 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 Petitioners and all similarly placed persons would stand protected for all time to come.

4. The present Writ Petition, therefore, in terms of the stand of the State in W.P.(S) No.2182/2020 decided on 28.9.2021, deserves to be and is accordingly allowed. Respondents are directed to ensure that subject to 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. Writ Petition stands allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge

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