

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5293 of 2021**

1. Manmohan Sahu S/o Mr. Shatrughan Sahu Aged About 35 Years Posted Head Constable No. 1192, Police Chowki Machandur, Thana Utai District Durg Chhattisgarh
2. Kunwar Singh Yadav S/o Late Derha Ram Yadav Aged About 54 Years Posted Head Constable No. 489, Police Station Durg, District Durg Chhattisgarh
3. Khedan Khushbu Nayak W/o Pawan Verma Aged About 41 Years Posted Head Constable No. 663, Police Station Supela, District Durg Chhattisgarh
4. Udal Ram Tandekar S/o Mr. Ubheram Tandekar Aged About 46 Years Posted Head Constable No. 570, Police Station Anjora, District Rajnandgaon Chhattisgarh

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa 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

**----Respondents**


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| For Petitioners | : | Mr. Siddharth Tiwari, Advocate |
| For State       | : | Ms. Sunita Jain, G.A.          |

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****01/10/2021**

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**