

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5785 of 2021**

1. Abhishek Kumar Pandey S/o Shri S. N. Pandey, Aged About 38 Years, Batch No. 59, Working As Head Constable At Police Station Jhilmili, District Surajpur Chhattisgarh Batch No. 59
2. Vivek Kumar Pandey S/o Shri S. N. Pandey, Aged About 37 Years Working As Head Constable At Police Station Jainagar, District Surajpur, Chhattisgarh, Batch No. 57
3. Rakesh Kumar Yadav S/o Late Ramyas Yadav, Aged About 40 Years Working As Head Constable At Police Station Surajpur, District Surajpur, Chhattisgarh, Batch No. 198
4. Dhaneshwar Kushwaha S/o Late Basudev, Aged About 42 Years Working As Head Constable At Police Station Surajpur, District Surajpur, Chhattisgarh, Batch No. 67
5. Manoj Divewdi S/o Late Kamlesh Chand, Aged About 38 Years Working As Head Constable At Police Chowki Kananji, District Surajpur, Chhattisgarh, Batch No. 35.
6. Raghvansh Singh S/o Shri H.N. Singh, Aged About 36 Years Working As Head Constable At Police Chowki Kananji, District Surajpur Chhattisgarh, Batch No. 65
7. Nandlal S/o Shri Sonsai, Aged About 43 Years, Working As Head Constable At Police Station Premnagar, District Surajpur, Chhattisgarh Batch No. 166
8. Smt. Babita Yadav W/o Shri Amit Yadav, Aged About 40 Years Working As Head Constable At Police Surajpur, District Surajpur Chhattisgarh, Batch No. 169
9. Lalan Prasad Gupta S/o Shri Tirathraj Gupta, Aged About 50 Years Working As Head Constable At AJK Police Station Ambikapur, District Surguja, Chhattisgarh, Batch No. 928

---- 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, Rang Sarguja, District Sarguja Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Amrito Das, Addl. Advocate General

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

07.10.2021

1. Counsel for the petitioners submits that the default pointed out by the Registry has been cured. He further submits that the matter is identical to WPS No. 5410/2021.
2. 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.
3. The contention of petitioners was that they had participated in the previous promotion process that was convened in the year 2017 and their name also stood reflected in the select list published on 19.05.2017. 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.

4. 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.
5. 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 so far as the petitioners are concerned 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.

6. The writ petition stands allowed and disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Khatai