

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5770 of 2021**

1. Bisun Dev Panika S/o Shri Parmeshwar Panika Aged About 40 Years Working As Head Constable At Police Station Surajpur, District Surajpur Chhattisgarh Batch No. 397
2. Kshaitrapal S/o Shri Ramsingh Aged About 41 Years Working As Head Constable At Police Station Umeshwarpur, District Surajpur Chhattisgarh Batch No. 147
3. Harishankar Tiwari S/o Shri Amarjeet Tiwari Aged About 38 Years Working As Head Constable At Police Station Surajpur, District Surajpur Chhattisgarh Batch No. 44
4. Guddu Kumar S/o Shri Brajmohan Aged About 50 Years Working As Head Constable At Police Station Bhatgaon, District Surajpur Chhattisgarh Batch No. 88
5. Varun Tiwari S/o Shri B. N. Tiwari Aged About 40 Years Working As Head Constable At Police Chowki Basdaiee, District Surajpur Chhattisgarh Batch No. 66

---- Petitioner

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 Surguja, District Surguja Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate.
For State	:	Mr. Kunal Das, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.10.2021**

1. The petitioners have approached this Court for an appropriate direction to the respondents for issuing necessary orders promoting the petitioners to the

Post of Assistant Sub Inspector from the post of Head Constable.

2. The contention of the petitioners is that the petitioners participated in the departmental promotion examination conducted in the year 2017 and the results were declared and the petitioners were found meritorious along with the other similarly placed persons vide select list dated 19.05.2017. The contention of the petitioners is that though the order is in operation for more than 4 years, the respondents till date have not promoted the petitioners from the post of Head Constable to ASI.
3. Counsel for the petitioners submits that in the light of the submission made by the State Government in WP(S) No. 2182 of 2020, the petitioners are entitled to be promoted on the post of ASI ahead of the candidates whose names would appear in the subsequent select list clearing the subsequent departmental promotion examination.
4. Learned counsel for the State in WP(S) No. 2182 of 2020 had made following submissions and contentions and had also relied upon the circular of the State Government dated 15.09.2021. For ready reference the contentions of the State Counsel and the Stand of the State Government in the said writ petition are reproduced hereinunder:-

“6. The Additional Advocate General appearing for the State submits that the stand of the State Government is quite clear in this regard. The stand is that once a candidate has appeared in a departmental promotion examination and has been found eligible for promotion and his name reflects in the select list, the said list does not have a validity period. It is valid for all time to come, till the list of selected candidates are exhausted. He further submits that on all subsequent vacancies that would arise, it would still be the candidates who have been found eligible from the previous departmental promotion examination, who would be considered for promotion first and only thereafter the persons from the subsequent departmental promotion examination would be considered.

7. The State counsel further submits that even if in the subsequent years the respondents, if they convened a departmental promotion examination, even then it is the candidates whose name appeared in the select list in the earlier departmental promotion examination and who have not been granted promotion till now would have to be given promotion ahead and

they would not be required to partake in all subsequent departmental promotion examinations for them to be promoted.”

5. Given the aforesaid stand of the State Government in the aforesaid writ petition, it is evidently clear that the claim of the petitioners for promotion to the post of ASI is still subsisting and they are entitled for issuance of order of promotion as the State Government themselves have taken a stand that the select list that was published on 19.05.2017 would not lose its validity and is still in force and the beneficiaries would always be entitled to be considered ahead of other candidates who have cleared the subsequent departmental examination in the subsequent years.
6. The present writ petition also in view of the aforesaid factual matrix of the case deserves to be and is accordingly allowed and the respondents are directed to consider issuance of promotion orders to the petitioners at the earliest subject to availability of vacant posts against the category to which the petitioners belong.
7. The present writ petition accordingly stands allowed and disposed of.

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