

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5426 of 2020**

Suresh Kumar Ray S/o Sant Ray, Aged About 52 Years, Working As  
Naib Tahsildar, Rajpur, District Balrampur Ramanujganj, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
2. Under Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
3. Director, Land Records, Directorate, Indravati Bhawan, Atal Nagar, Nava Raipur, District Raipur (Chhattisgarh)

---- Respondents

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|----------------|---|--------------------------------------|
| For Petitioner | : | Mr. C. Jayant K. Rao, Advocate       |
| For State      | : | Mr. Sudeep Verma, Dy. Govt. Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****04.01.2021**

1. With the consent of the parties the matter was heard finally at motion stage.
2. The grievance of the petitioner in the present writ petition seems to be the placement of the petitioner in the gradation list below the persons who have scored less marks than the petitioner in the examination that was conducted for selection to the post of Naib Tahsildar in the year

2014.

3. The petitioner in the present writ petition had scored 225.1 marks whereas one Sanjay Kumar Minj and few others in the department had scored less than the petitioner. Sanjay Kumar Minj had scored 216.09 but inadvertently because of a typographical error, the marks obtained by Sanjay Kumar Minj has been recorded as 226.09 instead of 216.09 and similar error was also there in respect of other candidates who had also scored less marks than the petitioner.
4. The petitioner immediately made an objection to the respondents which was duly scrutinized by the respondents. A review DPC in this regard was convened and it was found that the objection raised by the petitioner was correct. Accordingly, the petitioner was found eligible for promotion and appropriate order was issued on 22.03.2016. The petitioner was granted seniority from 22.03.2016 whereas the claim of the petitioner was that since he has scored more marks than Sanjay Kumar Minj, he was entitled for being appointed at par with Sanjay Kumar Minj and other similarly persons and his seniority also should have been placed over and above the persons who have scored less than 225 marks and the seniority should also be given to the petitioner from the date when Sanjay Kumar Minj and other similarly placed persons who have scored less marks than the petitioner have been granted.
5. The grievance of the petitioner seems to be a genuine grievance for the reason that once the objection of the petitioner in respect of the marks scored by other candidates being less was found to be correct, the petitioner for all practical purposes was entitled for promotion to the

said post in the given selection process from the date the persons who have scored less were appointed and granted seniority. Though the department has accepted the objection of the petitioner and granted seniority to the petitioner from 22.03.2016 but the earlier period does not seem to have been taken note of by the department which ought to have done keeping in view the aforesaid factual matrix of the case which is not in dispute at least from the available pleadings.

6. Given the said factual matrix of the case, let the case of the petitioner be further scrutinized by the respondents 1 & 3 within a period of 90 days and appropriate orders be passed so that the status of the petitioner can be restore over and above the persons who have scored less marks than the petitioner in the selection process to the post of Naib Tahsildar.
7. At this juncture, counsel for the petitioner submits that the persons who have scored less have also been further promoted to the post of Tahsildar and therefore, the petitioner should also have been considered for the said post along with them. He further submits that there are large number of vacancies still available against which the petitioner can be accommodated and given proper seniority on the said post.
8. Let the respondents 1 & 3 take an appropriate decision in this regard also so far as the granting of consequential promotion to the petitioner placing him at par with those persons who have scored less marks than the petitioner in the selection process is concerned.
9. It is expected that the respondents shall take a decision within the stipulated period of 90 days from the date of receipt of copy of this

order.

10. With the aforesaid observation, the writ petition stands disposed of.

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

Khatai