



2026:CGHC:13091-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR

The date when the order is reserved	The date when the order is pronounced	The date when the order is uploaded on the website	
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19.02.2026	19.03.2026	--	19.03.2026

WPS No. 4469 of 2019

1 - Ramesh Kumar Rajput S/o Shri Chandrabhan Singh Rajput, aged about 30 years, working as Peon in the office of the High Court Legal Services Committee, Bilaspur, Bodri, District Bilaspur Chhattisgarh., District : Bilaspur, (Chhattisgarh).

2 - Shashi Kumar Bhatt S/o Shri Babulal Bhatt, aged about 52 years, working as Peon in the office of the State Legal Services Authority, Bilaspur, District Bilaspur (Chhattisgarh).

3 - Dinesh Kumar Thethewar S/o Late Shri Makhan Lal, aged about 52 years, working as Process Server in the office of the District Legal Services Authority, Raipur, District Raipur (Chhattisgarh).

4 - Pawan Kumar Nirmalkar S/o Late Shri Bahoran Lal Nirmalkar, aged about 48 years, working as Peon in the office of the High Court Legal Services Committee, Bilaspur, Bodri, District Bilaspur (Chhattisgarh).

5 - Ravi Kumar Pandey S/o Shri Kedarnath Pandey, aged about 40 years,



working as Peon in the office of the High Court Legal Service Committee, Bilaspur, Bodri, District Bilaspur (Chhattisgarh).

6 - Jitendra Kumar Gond (Sirso) S/o Gautam Singh, aged about 41 years, working as Process Server in the office of the High Court Legal Service Committee, Bilaspur, Bodri, District Bilaspur (Chhattisgarh).

... Petitioners

Versus

1 - State of Chhattisgarh Through Secretary, Department of Law & Legislative Affairs, Mahanadi Bhawan, Atal Nagar, District Raipur (Chhattisgarh).

2 - Member Secretary, Chhattisgarh State Legal Services Authority, Bilaspur, District Bilaspur (C.G.).

3 - Dilip Kumar Chandrakar Assistant Grade 3, District Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

4 - Kipesh Kumar Dewangan Assistant Grade 3, District Legal Aid Authority, Dhamtari, Distt. Dhamtari, (C.G.).

5 - Shiv Kumar Surya Assistant Grade 3, Permanent Lok Adalat, Public Utility Service, Raipur, Distt. Raipur, (C.G.).

6 - Santlal Kerketta Assistant Grade 3, District Legal Aid Authority, Surguja, Distt. Ambikapur, (C.G.).

7 - Dhamendra Kumar Sinha Assistant Grade 3, District Legal Aid Authority, Koriya, Distt. Baikunthpur, (C.G.).

8 - Dilharan Sahu Assistant Grade 3, C.G. State Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

9 - Mundi Prasad Joshi Assistant Grade 3, District Legal Aid Authority, Kondagaon, Distt. Kondagaon, (C.G.).



10 - Praveen Kumar Dubey Assistant Grade 3, C.G. State Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

11 - Girish Kumar Sahu Assistant Grade 3, District Legal Aid Authority, Raigarh, Distt. Raigarh, (C.G.).

12 - Kamalakar Rao Chauhan Assistant Grade 3, C.G. State Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

13 - Shriram Kaushik Assistant Grade 3, C.G. State Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

14 - Firat Ram Yadav Assistant Grade 3, District Legal Aid Authority, Janjgir, Distt. Janjgir Champa, (C.G.).

15 - Deepesh Kumar Sahu Assistant Grade 3, High Court Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

16 - Anil Kumar Tiwari Assistant Grade 3, High Court Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

17 - Shishir Deshpandey Assistant Grade 3, High Court Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

18 - Chandrashekhar Tiwari Assistant Grade 3, District Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

19 - Puranlal Yadav Assistant Grade 3, High Court Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

20 - Badruram Baghel Assistant Grade 3, District Legal Aid Authority, Jagdalpur, Distt. Bastar, (C.G.).

21 - Mahendra Kumar Pawar Assistant Grade 3, District Legal Aid Authority, Bilaspur, Distt. Bilaspur, (C.G.).

**... Respondents**

(Cause title is taken from Case Information System Software.)

For Petitioners	:	Ms. Reena Singh, Advocate.
For State/Respondent No. 1	:	Mr. Avinash Singh, G.A.
For Respondent No. 2	:	Mr. Ashish Shrivastava, Senior Advocate
		along with Mr. Rahul Ambast, Ms.
		Shatabdi Bagchi and Mr. Ishan Singh
		Rathore, Advocate.
For Respondents No. 3 to 21:	:	Mr. Pritam Kumar Tiwari, Advocate.

Hon'ble Smt Justice Rajani Dubey, J.
Hon'ble Shri Justice Radhakishan Agrawal, J.
C A V Order

Per, Rajani Dubey, Judge

1. The present petition has been filed by the petitioners under Article 226 of the Constitution of India challenging the advertisement dated 04.01.2018 issued by respondent No. 2, whereby applications were invited to fill up 101 posts of Assistant Grade-III; however, no post was earmarked to be filled by way of promotion from Class-IV employees as provided under Rule-12 of the Chhattisgarh State Legal Services Authority Notification.
2. Facts of the case, in brief are that the petitioners were appointed as Peon and Process Server (class-IV employee) and working in the office of State Legal Services Authority/District Legal Services Authority since 2001, 2002 and 2011. On 04.01.2018, respondent No. 02, Member Secretary issued an advertisement thereby inviting applications for filling up total number of 101 posts of Assistant Grade-III. The petitioners have challenged the said



advertisement on the ground that as per Rule 6 of Chhattisgarh State Legal Services Authority Officers and Employees (Recruitment) Rules, 2012, the recruitment to the post of Assistant Grade-III is to be made as specified in Schedule-II. Schedule-II stipulates that 85% post of Assistant Grade-III is to be filled up by direct recruitment through competitive exam or by deputation and remaining 15% by way of promotion amongst the Class-IV employees. The qualification prescribed for the post of Assistant Grade-III is that a candidate must have passed Higher Secondary Examination from recognized board or 1st year of graduation from any recognized university and must have passed 1 year diploma in data entry/programming at the speed of 5000 key depressions per hour from government recognized institution. However, for the candidates who are considered for appointment in Assistant Grade-III by way of promotion from Class-IV category, the minimum qualification so prescribed shall not be mandatory. Earlier, the General Administration Department of State of Madhya Pradesh vide its notification dated 23.05.1996 reserved 25% in place of 20% quota for their promotion to the post of Assistant Grade-III vide Annexure-P/04. The Scheduled Caste and Scheduled Tribe Development Department in State of Chhattisgarh, Raipur has also issued notification on 01.06.2013, thereby reserving 25% quota for Class-IV employees for their promotion to the post of Assistant Grade-III. However, in the instant case, the respondent authorities while issuing the



impugned advertisement instead of reserving 15% or 25% quota for Class-IV employees, invited applications for direct recruitment on the total 101 posts of Assistant Grade-III which is *per se* illegal, arbitrary and contrary to Chhattisgarh State Legal Services Authority Officers and Employees Recruitment Rules 2012. Hence, this petition filed by the petitioners seeking following reliefs:-

10.1 *Hon'ble Court may kindly be pleased to call entire records of the case.*

10.2 *Hon'ble Court may kindly be pleased to set-aside the advertisement dated 04.01.2018.*

10.3 *Hon'ble Court may kindly be pleased to direct respondent authority to convert the Department Promotion Committee (D.P.C.) for promotion to the post of class-III (Assistant Grade-III) from class-IV employee. Hon'ble Court may further direct respondent authority to consider case of petitioners for promotion to the post of Assistant Grade-III from class-IV employee.*

10.4 *The Hon'ble Court may kindly be pleased to direct respondents to earmarked 25% of total vacancy of class-III post, for promotion from class-IV employee, in State Legal/District Legal Service Authority instead of 15% reservation in promotion from class-IV to class-III employee and further declare 15% reservation in promotion from class-IV to class-III employees in State Legal/District Legal Services Authority as repugnant, contrary and unconstitutional and ultra vires, the same is being challenged, ought to be decided, in the interest of justice.*

3. Learned counsel for the petitioners would submit that in this petition, the petitioners are assailing the advertisement dated 04.01.2018 issued by respondent No. 2 whereby the total 101 posts of Assistant Grade-III/ Process Writer/ Computer Operator/ Data Entry Operator are being filled up through direct recruitment without reserving any quota for Class-IV employees in



contravention of Rule 6 of Chhattisgarh State Legal Services Authority Officers and Employees (Recruitment) Rules 2012 (hereinafter shall be referred to as “Rules, 2012”). She submits that in the entire State of Chhattisgarh, while filling up the post of Assistant Grade-III, 25% of the total number of posts is earmarked/reserved to be filled up by way of promotion from amongst Class-IV employees and 75% is filled up by direct recruitment. However, in State Legal/District Legal Services Authority, there is only 15% reservation for promotion of Class-IV employees which itself is contrary to Rule 10(2) of Chhattisgarh State Legal Services Authority Rules 2002 (in short “Rules, 2002”) as also contrary to Rule 16 of Rules, 2012. Rule 10 (2) of the Rules, 2002 states about the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of Section 6. Rule 16 of the Rules, 2012 speaks about the conditions of service, as per this Rule if there is no provision or provisions are insufficient in the Rules, 2002 regarding conditions of service of all the officers and employees of the State Authority, the rules and orders for the time in force applicable in the government officers and employees holding corresponding post in the State Government shall be applicable. However, Schedule-II (4) of the Rules, 2012 runs contrary to Rule 10(2) of the Rules, 2002 and to this extent, Schedule-II (4) is repugnant, contrary, ultra vires and unconstitutional.



4. Learned counsel for the petitioners further argued that as per Section 6(6) of the Legal Services Authority Act, 1987 (in short, the Act of 1987), the officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court. Further, vide notification dated 10.02.2017 under Article 229 clause(2), the Chief Justice of the High Court of Chhattisgarh Bilaspur, made Rules for regulating the appointment, conditions of service & conduct which is applicable to the Chhattisgarh High Court authorities and employees, would also be applicable to the Chhattisgarh State & District Legal Aid Authority and employees in the same manner. Even, as per Rules, 2012, Schedule III, S.No. 8, the eligibility criteria prescribed for promotion from Class-IV to Class-III is 5 years service on Class-IV post. Though the petitioners herein are working since 2001 onwards and have also qualified Hindi Computer Typing in Departmental Promotion Exam 2018, but on account of 15% quota being fixed for promotion from Class-IV employees, the petitioners were left out and if the quota had been 25%, they would have been promoted to the post of Assistant Grade-III. In the other departments of the State 25% quota is fixed for Class-IV employees for their promotion and 75% is filled up by way of direct recruitment. However, without assigning any reason, the petitioners have been deprived of this benefit and the



respondents have arbitrarily fixed 15% quota for Class-IV employees and 85 % posts is being filled up through direct recruitment. Learned counsel for the petitioners further submits that even in the parent High Court i.e., High Court of M.P., it has amended the M.P. State Legal Services Authority Rules, thereby enhancing the quota of 15% to 25% for Class-IV employees and this Court on 21.06.2019 passed an interim order, thereby making it clear that any appointment made during pendency of this writ petition shall be subject to the outcome of the writ petition. In view of the aforesaid submissions, the instant petition deserves to be allowed and the petitioners be granted the relief sought for.

5. Reliance has been placed on this Court's order dated 29.01.2026 passed in **WPS No. 3800 of 2020** in the case of ***Rukam Singh Tomar vs. State of Chhattisgarh and Ors.***
6. Per contra, Mr. Avinash Singh, learned G.A. for the respondent No. 1/State strongly oppose the prayer made by the petitioners and submits that the petitioners have failed to establish this fact that Rules are in violation of the Constitution and the Schedule-II(2) of the Rules, 2012 is in violation of the Act, 1987. The petitioners have failed to establish as to how their rights are violated by the impugned Schedule of the Rules, 2012. The sole contention of the petitioners is that they have very limited chances of promotion and in other departments, the ratio of promotion from Class-IV post to Class-III post is 25%. It is well settled principle of law that promotion cannot be claimed as a matter of right but



employee has right to be considered for promotion. The “Chances of Promotion” is not a “condition of service”. It has been held by the Hon’ble Supreme Court in the matter of **Anil Kumar Vitthal Shete and Ors. vs. State of Maharashtra & Anr** reported in **(2006) 12 SCC 148**. In the matter of **A. Satyanarayana & Ors. v. S. Purushotham & Ors.** reported in **(2008) 5 SCC 416**, the Hon’ble Supreme Court held that the power of the State to fix quota for promotion cannot be said to be violative of the Constitutional Scheme of equality as contemplated under Articles 14 and 16 of the Constitution of India and this Court in the matter of **Dr. Om Prakash Sharma vs. State of Chhattisgarh & Ors** held in **WPS No. 3214 of 2024** vide its order dated 25.11.2025 that this Court cannot compel the State to create or sanction posts, nor it can mandate amendments to the statutory recruitment posts to introduce new promotional hierarchies.

7. Mr. Ashish Shrivastava, learned Senior Advocate for respondent No. 2/SLSA strongly oppose the prayer of the petitioners and supporting the argument of the respondent No. 1/State submits that this petition is pending since 2019 and during pendency of the said petition vide notification dated 27.06.2025, the Schedule appended to the Rules, 2012 has been amended. This clearly shows that the instant writ petition as it was in its original form and content has already become infructuous and in view of issuance of notification dated 27.06.2025, it gives a fresh cause of action to the petitioners to prefer a fresh writ petition, if any and the said



issue cannot be assailed in the instant writ petition. The challenge to notification dated 27.06.2025 completely alters and changes the nature of the dispute pending before this Court. The petitioners have simply challenged the notification dated 27.06.2025 by amendment without there being any substantive pleadings as to how and in what manner the said notification can be said to be bad in law. The notification dated 27.06.2025 is a delegated legislation whereby the State Government through the Department of Law and Legislative Affairs issued the impugned notification exercising the power conferred by Section 28 read with Section 6, Section 8-A, Section 9 and Section 11-A of Legal Services Authority Act, 1987 as well as Rule 25 of the Chhattisgarh State Legal Services Authority, 2002 to incorporate certain amendments in the Chhattisgarh State Legal Services Authority Officers and Employees (Recruitment) Rules 2012. The notification dated 27.06.2025 is a piece of delegated legislation which can only be challenged on the permissible ground as has been laid down by the Hon'ble Apex Court. So, this petition is without any merit and the same is liable to be dismissed.

8. Reliance has been placed on the decision of Hon'ble Supreme Court in the matter of ***Dhole Govind Sahebrao and others v. Union of India and others*** reported in (2015) 6 SCC 727, In the matter of ***State of Maharashtra and Anr. v. Chandrakant Anant Kulkarni and Ors*** reported in (1981) 4 SCC 130, this Court's



order dated 21.01.2026 in the matter of ***Bastil Minj and Ors. vs.***

State of C.G. and Ors. passed in **WPS No. 6899 of 2024.**

9. Mr. Pritam Kumar Tiwari, learned counsel for respondents No. 3 to 21 supported the argument of respondents No. 1 & 2 and submits that all respondents were promoted as per Schedule and Rules of Chhattisgarh State Legal Services Authority and during pendency of this petition, new notification was issued, but the Schedule has remained same and the petitioners have failed to demonstrate any legal injury caused to them due to 85% and 15% quota in the Rules, and, therefore, there is no legally sustainable ground for assailing vires of the Rules, 2012.
10. Heard counsel for the respective parties and perused the material available on record.
11. It is an admitted position in this case that the petitioners are working as Class-IV employees at Chhattisgarh State Legal Services Authority and High Court Legal Services Authority. It is also not disputed that petitioners No. 1 & 2 were posted since 2011 and petitioner No. 3 is posted since 2001 and petitioners No. 4 to 6 are posted since 2002 as Class-IV employees. The petitioners have filed this petition challenging Annexure-P/01 advertisement dated 04.01.2018 by which various posts were sought to be filled up by the State Legal Services Authority, Bilaspur and also challenged the reservation quota of direct recruitment (85%) and for Class-IV employee (15%).



12. In exercise of the powers conferred by Section 28 read with sub-section (5) and (6) of Section 6, sub-section (5) and (6) of Section 8A, sub-section (5) and (6) of section 9, sub-section (3) and (4) of Section 11A of the Legal Services Authorities Act, 1987 and rule 25 of Chhattisgarh State Legal Services Authority Rules, 2002, the State Government in consultation with the Chief Justice of High Court of Chhattisgarh made rules relating to recruitment and conditions of service of officers and employees of the Chhattisgarh State Legal Services Authority i.e., Chhattisgarh State Legal Services Authority Officers and Employees (Recruitment) Rules, 2012. Schedule-II (4) of the Rules, 2012 provides as under:-

Schedule-II

S.No.	Name of the Post	Method of Recruitment	Qualification/Eligibility
(1)	(2)	(3)	(4)
4.	Assistant Grade III (LDC)/Computer Operator/Process Writer.	(1) 85% By direct recruitment through competitive examination, as may be prescribed by the appointing authority or by deputation of qualified personnel from other departments. (2) By Promotion from amongst Class IV employees to the extent of minimum 15% (Not to be carried forward) subject to suitability. (3) By absorption/transfer of the services of employees of similar or equivalent higher pay scale working in any department/organization of the Government.	1) Must have passed Higher Secondary Examination (10+2) from recognized Board or 1st Year of graduation from any recognized university. (2) Must have passed 1 year diploma certificate in data entry/programming at the speed of 5000 key depressions per hour from government recognized institution. (For candidates who are considered for appointment in assistant grade -III (LDC) /process



			writer by way of promotion from the class IV category the minimum qualification so prescribed shall not be mandatory.)
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13. Earlier, the provisions of the Chhattisgarh State Legal Services Authority Rules, 2002 were applicable, and Rule 10 provides as follows:-

10. the conditions of services and the salary ad allowances of officers and other employees of the State Authority under sub-section (6) of Section 6.

- (1) The officers and other employees of the indicated against each in Schedule-A to these rules.
- (2) In all matters like age of retirement, Pensions, Pay and allowances, benefits and entitlement the officers and the other employees of the State Authority shall be governed by the Services Rules as are applicable to persons holding equivalent post in the Chhattisgarh High Court/State Government, appoint

14. During the pendency of this petition, new notification was issued on 27.06.2025 in which Schedule-II (4) has again remained the same which is reproduced for ready reference as thus:-

S.No.	Name of the Post	Method of Recruitment	Prescribed educational qualification/Eligibility
(1)	(2)	(3)	(4)
4.	Assistant Grade III (LDC)/Computer Operator/Process Writer.	(1) 85% By direct recruitment through competitive examination, as may be prescribed by the appointing authority or by deputation of qualified personnel from other departments.	(1) For direct recruitment- a) Passed (10+2) Examination from recognized Board, Or Passed Old Higher Secondary Examination



		(2) By Promotion from amongst Class IV employees to the extent of minimum 15% (Not to be carried forward) subject to suitability. (3) By absorption/transfer of the services of employees of similar or equivalent higher pay scale working in any department/organization of the Government.	with year examination of graduation course from any recognized University. (b) One year Diploma/Certificate in Data Entry Operator/ Programming from any recognized Institution. (c) Certificate of Hindi English typing 5000 (Key) Depression per hour (through Computer and Software) from recognized Board/Institute Chhattisgarh or Stenography Typing Council (efficiency test for speed shall be taken). (2) For Promotion- Must have working knowledge on computer- (For candidates, who are considered for appointment Assistant Grade-III (LDC)/ Process Writer by way of promotion from the Class-IV category the minimum qualification so prescribed shall not be mandatory).
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15. As per Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules, 2017, the First Schedule, Class-III S.No. 11, provides as under:-

First Schedule

Class-III

S.No.	Name of the post	Existing Sanctioned Strength	Source & Method of Appointment	Minimum Qualification & experience	Scale of Pay/Level in Pay Matrix
11.	Junior Judicial Assistant	313	1. 70% posts shall be filled up by direct recruitment competitive through examination. 2. 20% posts shall be filled up by promotion from amongst the qualified Class-IV employees subject to suitability and strictly on the basis of seniority-cum-fitness. The promotion shall be made in the ratio of 1:3 vis-a-vis Staff Car Drivers and other Class-IV employees. 3. 10% posts shall be filled-up by promotion through limited competitive examination strictly on the basis of merit amongst the Class-IV employees	1. For direct recruitment a 10% promotion (through limited competitive examination):- (a) Must be a graduate from a recognized University and; (b) One year diploma Course computer from I.T.I. or an equivalent recognized Board/University. 2. For 20% Promotion (subject to suitability)- (a) Must be a graduate from any recognized University and; (b) Must have working knowledge on computer."	(19500-62000)



			(including Contingency Paid Employees) having minimum 25 years service in Class-IV posts (including Contingency Paid Employees) 25 from the date of appointment.		
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16. It is not disputed by respondents No. 1 & 2 that in other State Departments, promotion quota is 75 % and 25%. The petitioners have also filed the notification of parent State Madhya Pradesh dated 23.05.1996 Annexure-A/04 which provides as under:-

मध्यप्रदेश शासन
सामान्य प्रशासन विभाग

ज्ञाप क्रमांक सी. 3-10/1/3/96

भोपाल, दिनांक 23 मई, 1996

शासन के समस्त विभाग,

इत्यादि,

मध्यप्रदेश।

विषय :- चतुर्थ श्रेणी के कर्मचारियों की निम्न श्रेणी लिपिक के पदों पर नियुक्ति।

सन्दर्भ :- सामान्य प्रशासन विभाग का ज्ञापन क्र. सी. 3-3/89/3/49, दिनांक 19-1-89.

सामान्य प्रशासन विभाग के उपर्युक्त ज्ञापन में आंशिक संशोधन करते हुए राज्य शासन द्वारा यह निर्णय लिया गया है कि राज्य के सभी कार्यालयों में चतुर्थ श्रेणी कर्मचारियों के निम्न श्रेणी लिपिक के पदों पर नियुक्ति के लिये 20 प्रतिशत के स्थान पर 25 प्रतिशत स्थान सुरक्षित रखे जायें। अतः तदनुसार भरती नियों में संशोधन कर लिया जाये। नियुक्ति के लिये अन्य शर्तें पूर्ववत् रहेंगी।

17. Annexure-P/05 is notification dated 01.06.2013 issued by Aadimjaati tatha Anusuchit Jaati Vikas Vibhag Mantralay Service Rules, 2013 and as per this Rule, Schedule-II(4) provides as under:-



अनुसूची-दो

स.क्र	सेवा /पद का नाम	पदों की कुल संख्या	भरे जाने वाले कर्तव्य पदों की संख्या का प्रतिशत			टिप्पणियाँ
			सीधी भर्ती//चयन द्वारा	पदोन्नति द्वारा	अन्य सेवा से स्थानान्तरण द्वारा	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(4)	सहायक ग्रेड-3	566	75 प्रतिशत	25 प्रतिशत		

18. The Hon'ble Apex Court in the matter of ***Food Corporation of India and Ors. vs. Parashotam Das Bansal and Ors.*** reported in **(2008) 5 SCC 100** held in paras No. 9, 10, 11 and 12 as under:-

"9. The appellant is "State" within the meaning of Article 12 of the Constitution of India. An employee of a State although has no fundamental right of promotion, it has a right to be considered therefor. What is necessary is to provide an opportunity of advancement; promotion being a normal incidence of service.

10. This Court in O.Z. Hussain (Dr.) v. Union of India¹ opined: (SCC pp. 691-92, para 7)

"7. This Court, has on more than one occasion, pointed out that provision for promotion increases efficiency of the public service while stagnation reduces efficiency and makes the service ineffective. Promotion is thus normal incidence of service. There too is no justification why while similarly placed officers in other ministries would have the benefit of promotion, the non-medical 'A' Group scientists in the



establishment of Director General of Health Services would be deprived of such advantage. In a welfare State, it is necessary that there should be an efficient public service and, therefore, it should have been the obligation of the Ministry of Health to attend to the representations of the Council and its members and provide promotional avenue for this category of officers. It is, therefore, necessary that on the model of rules framed by the Ministry of Science and Technology with such alterations as may be necessary, appropriate rules should be framed within four months from now providing promotional avenue for the 'A' category a scientists in the non-medical wing of the Directorate."

11. The question also came up for consideration in *Ujagar Prints (III) v. Union of India and Council of Scientific and Industrial Research v. K.G.S. Bhatt*, In the latter decision, this Court held: (SCC pp. 638-39, para 9)

"9.... It is often said and indeed, adroitly, an organisation public or b private does not 'hire a hand' but engages or employs a whole man. The person is recruited by an organisation not just for a job, but for a whole career. One must, therefore, be given an opportunity to advance. This is the oldest and most important feature of the free enterprise system. The



opportunity for advancement is a requirement for progress of any organisation. It is an incentive for personnel development as well. (See c Principles of Personnel Management by Flipo Edwin B., 4th Edn., p. 246.) Every management must provide realistic opportunities for promising employees to move upward. "The organisation that fails to develop a satisfactory procedure for promotion is bound to pay a severe penalty in terms of administrative costs, misallocation of personnel, low morale, and ineffectual performance, among both non-managerial d employees and their supervisors.' (See Personnel Management by Dr. Udai Pareek, p. 277.) There cannot be any modern management much less any career planning, manpower development, management development, etc. which is not related to a system of promotions.'

12. When employees are denied an opportunity of promotion for long years (in this case 30 years) on the ground that they fell within a category of employees excluded from promotional prospect, the superior court will have the jurisdiction to issue necessary direction."

19. This Court in a similar matter in WPS No. 2760 of 2015 in the case of ***Shrikant Pandey and Ors. vs. State of Chhattisgarh***



and Ors. where the petitioners, were working as peon in the office of Advocate General held in paras No. 11, 12, 13 & 14 as under:-

“11. Thus for all practical purposes, the periodical order dated 15/11/1984 which stood modified on 19/01/1989 and later got further modified vide order dated 23/05/1996 remains in force in the State of Chhattisgarh as well.

12. The documents which have been produced before this court in respect of Education Department, Women and Child Department, General Administration Department, Revenue Department, Commercial Tax Department so also Tribal Welfare Department have adopted the said orders. They have been taking into consideration the said circulars of the State Government and have kept reservation for class-IV category employees for promotion to class-III cadre at 25%. This court thus sees no reason as to why there should be an exception to the Law and Legislative Department.

13. Thus, once when by virtue of the order dated 31/10/2002, the State of Chhattisgarh having held that all the circulars, memos and directions issued by the undivided State of Madhya Pradesh would be applicable in the State of Chhattisgarh as well, the petitioners also in the instant case would be entitled for



the same treatment wherein they should also be considered for the post of Assistant Grade-III wherein the percentage of posts available to them should be taken as 25% as and when the next vacancy arises.

14. Accordingly, the present Writ Petition stands allowed and disposed off with a direction to the respondent No. 1 that, as and when the next recruitment to the post of Assistant Grade-III would be conducted in the Law and Legislative Department, the case of the petitioners would also be considered keeping the total number of post available to them at 25% in accordance to the circular dated 23/05/1996."

20. Section 6(6) of the Legal Services Authority Act, 1987 provides as under:-

Section 6. Constitution of State Legal Services Authority.

(6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

21. The Rules, 2012 prescribe 15% quota for Class-IV employees for promotion to the post of Assistant Grade-III and 85% for direct recruitment. In the year 2025 a Gazette notification was issued where the said quota remains unchanged. It is also not disputed that in other government departments, the promotion quota is 25% and direct recruitment quota is 75%. The petitioners have



also filed notification dated 15.07.2021 by which Government of Madhya Pradesh amended the Rules related to Madhya Pradesh State Legal Services Authority Recruitment and Services Rules 2009 which is reproduced hereinunder for ready reference as thus:-

Notification

In the said rules, in rule 7(1)(2), for figure and words “Minimum 15% (Fifteen) figure and words “Minimum 25% (Twenty Five) Shall be substituted.

22. Thus, it is evident that, except for the petitioners' department (SLSA), all other State Departments, including the State Legal Services Authority of the parent High Court, have revised their service conditions and fixed the promotion quota at 25%. However, the Chhattisgarh State Legal Services Authority has not amended the Schedule, and the quota still remains at 85% for direct recruitment and 15% for promotion.
23. It is also not disputed that the petitioners are working since 2002 and 2011 and due to this Schedule, they are not benefited like employees of other Government Department. From the very beginning Legal Services Authority Act, 1987 clearly held in Section 6(6) that Officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court and in notification dated 10.02.2017, it is



provided that appointment, conditions of service and conduct Rules, 2017 which is applicable to Chhattisgarh High Court authorities and employees would also be applicable to the Chhattisgarh State and District Legal Services Authority and employees in the same manner, but it is clear from Schedule-II that there is difference in service quota. The petitioners filed this petition in 2019 and this Court passed an interim order on 21.06.2019 which reads as thus:-

“Purely as an interim measure, it is ordered that any appointment made during the pendency of the writ petition shall be subject to the outcome of the writ petition.”

24. Keeping in view the service conditions of the employees of various departments of the State Government, the employees of this High Court and the employees of the Legal Services Authority of the parent High Court i.e., High Court of M.P., this Court is of the opinion that the services of the petitioners herein also deserve to be governed by such conditions and no different yardstick can be applied to the detriment of their interest.
25. On the basis of aforesaid discussion, respondents No. 1 & 2 are directed to amend Schedule-II(4) of Chhattisgarh State Legal Services Authority Officers and Employees (Recruitment) Rules, 2012, thereby enhancing the quota of 15% reserved for class-IV employees to 25%. After such amendment if the petitioners are found suitable, then respondent No. 02 to grant them promotion with all consequential benefits including seniority except the



monetary benefits from the date of filing of this petition. The entire exercise must be completed within a period of 03 months from the date of this order.

26. As an upshot, the writ petition stands **allowed** to the above extent only.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Radhakishan Agrawal)
Judge