



2026:CGHC:18226



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3740 of 2024**

- 1** - Sushil Pathak S/o. Shri Sant Bihari Pathak, Aged About 31 Years Working As Constable No. 454, At Police Line Gariyaband, District Gariyaband, C.G.
- 2** - Sunil Kumar Pandey S/o, Late Shri Krishna Murit Pandey, Aged About 38 Years Working As Constable No. 171 At Police Station Devghog, District Gariyaband, C.G.
- 3** - Devendra Singh S/o Late Shri, Keshav Singh, Aged About 33 Years Working As Constable No. -145, At Police Station Devbhog, District Gariyaband, C.G.
- 4** - Rahul Kumar, S/o Shri Panchdutt Aged About 31 Years Working As Constable No. -330, At Police Station Shobha, District Gariyaband, C.G.
- 5** - Yogesh Singh Thakur. S/o Shri, Khemraj Singh Thakur, Aged About 41 Years Working As Constable No. -315, At Police Station Gariyaband, District Gariyaband, C.G.
- 6** - Surendra Singh Netam, S/o Shri, Prem Singh Netam Aged About 37 Years Working As Constable No. -434, At Police Station Fingeswar, District Gariyaband, C.G.
- 7** - Vijay Prakash Gendre. S/o Shri Bansh Lal Gendre, Aged About 43 Years Working As Constable No. -189, At Police Line Gariyaband, District Gariyaband, C.G.

... Petitioners

**versus**

1 - State Of Chhattisgarh Through The Secretary Home Department, Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur C.G.

2 - Director General Of Police, Police Head Quarter, Atal Nagar, Nava Raipur, District Raipur C.G.

3 - Inspector General Of Police, Rang -Raipur, District Raipur C.G.

4 - Superintendent Of Police, Gariyaband, District Gariyaband, C.G.

... Respondents

For Petitioners	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Suyashdhar Badgaiya, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge**Order on Board****21.04.2026**

Heard

1. Petitioner has filed this writ petition, seeking following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent no. 2 to consider the case of the petitioners for promotion for the post of Head Constable and initiate proceeding as per select list dated 14.10.2021, within a stipulated period.”

2. Learned counsel for the petitioners submits that petitioners while holding the post of Constable participated in the Departmental Promotion Examination for promotion on the post of Head Constable. Petitioners along with others have participated in the written examination and, thereafter, based on marks secured by respective participants concerned authority has published the select list, however, only some of the constables have been promoted to Head Constable and not the present petitioners and, therefore, this writ petition is filed.



3. Learned counsel for State submits that there is no dispute on submission made by learned counsel for the petitioners that petitioners have participated in the Departmental Promotion Examination and the name of petitioners also finds place in the select list. He however, submits that promotion is made based on the merit of the candidates of the select list on the post of Head Constable on the vacant post available at that relevant point of time. He further submits that in the reply submitted by State in paragraph no. 5, 6 and 7 specific pleadings have been made that as and when the post of Head Constable will be available for promotion the promotion would be made from the select list till it is exhausted.
4. I have heard learned counsel for the respective parties.
5. The pleadings made by respondents in paragraph no. 5, 6 and 7 which is extracted below for ready reference:-

“5.It is respectfully submitted that, according to the said list it appears that the petitioners find the place with serial no. start from 105, 115, 134, 144, 146 respectively and as per the documents on record since 2021 according to the availability of the vacancy time to time the promotion of the employees had been taken placed consequently constable who find eligible in the list dated 31/08/2021 have been consider and granted promotion as per availability of the vacancy. A copy of the promotion orders as per the eligible list are annexed here with as Annexure R/2 collectively.

6. It is respectfully submitted that as per the set up of district Gariyaband now 11 posts are still vacant and according to the eligible list of promotion the candidates which is at par up to serial number 83 and other candidate who find eligible for this year those who come from the outside of the district but senior to the petitioners have been considered to fill up the resent vacancy. A copy of the eligible candidate dated 20/08/2024 is annexed herewith as Annexure R/3.



7. It is respectfully submitted that in view of the above it would clear that the promotion committee has to the finalized for promotion of head constable as per the eligible list dated 31/8/2021 and accordingly the constable has been promoted in order to maintained seniority as well as vacancy available in every year hence whenever vacancy for the post of head constable will arise the petitioners would be given reference according to final eligible dated 31/08/2021. In view of that at this stage the claim and relief sought by the petitioners in the petition is not tenable and looking to the facts and circumstances of the case action has been taken by the authority therefore this petition is divide of merit and liable to be dismissed.”

6. In view of the submission made by learned counsel for the petitioner as also pleadings made in the reply by counsel for State, in the opinion of this Court nothing remains for adjudication in the matter as respondent -State specifically stated that as and when vacant post of Head Constable is available for promotion, candidates who are named in the select list would be promoted.
7. Accordingly, writ petition is disposed of at this stage, in view of the pleadings made by respondent – State in reply and submission made by learned counsel for the State.
8. However, petitioner will be at liberty to file appropriate proceedings if any exigency arises in future.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
Judge

Alfiza