



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 5528 of 2021

Hardeo Ram Sahu **Versus** State Of Chhattisgarh

21.12.2021	Mr. Y. C. Sharma, Senior Adv. with Ms. Shailja Shukla, Counsel for the petitioner. Mr. H. S. Ahluwalia, Dy. AG for the respondent/State. Heard on IA No.1 – application for stay. Learned counsel for the petitioner would submit that the petitioner was appointed as Assistant Grade III and the requisite educational qualification was Higher Secondary at the time of appointment. Subsequently, he was promoted to the post of Section Officer and now he is entitled for the promotion to the post of Under Secretary from the post of Section Officer as per Schedule IV of the Chhattisgarh Secretariat Service Recruitment Rules, 2012. It is contended that by the amendment in the criteria of qualification vide Notification dated 14th June, 2021, along with the experience the criteria of having a Bachelor's Degree is inserted for promotion to the post of Under Secretary from the post of Section Officer. It is stated, Rule 14 of the Chhattisgarh Secretariat Service Recruitment Rules, 2012 would show that only an experience would count therefore, there is a contradiction in the Schedule and the Rule. He would further submit that the D.P.C. is going to be held on 27.12.2021 and if the D.P.C. is held without adhering to Rule 14, the petitioner shall loose



his right to be considered for promotion.

State counsel was directed to file the reply but reply has not been filed yet.

Having perused the Rule 14 of Rule of 2012 which purports that only experience would be considered whereas by way of amendment, Bachelor's Degree is added in the eligibility column, it *prima facie* appears that there is contradiction which may deprive the petitioner to be considered for promotion to the post of Under Secretary.

Under these circumstances, it is directed that one post of Under Secretary shall be kept vacant until further orders.

Let reply be filed by the State.

List this case in the month of February, 2022.

Sd/-

(Goutam Bhaduri)
Judge

Sd/-

(N.K. Chandravanshi)
Judge