



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3 of 2024**

1 - Shyamlal Patel S/o Raghunath Patel Aged About 59 Years Posted As Patwari At P.H. No. 11, Mulnar, Tahsil- Mardapal,, District : Kondagaon, Chhattisgarh

2 - Ramjanam Deewan S/o Dashrath Ram Deewan Aged About 58 Years Posted As Patwari At P.H. No. 16, Sambalpur, Tahsil- Kondagaon, Cg

3 - Bhagwat Prasad Kaushal S/o Late Agrahij Aged About 58 Years Posted As Patwari At P.H. No. 50, Belarbahra, Tahsil- Nagri,, District : Dhamtari, Chhattisgarh

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur,, District : Raipur, Chhattisgarh

2 - The Commissioner Land Records Chhattisgarh, Block- li, First Floor, Indravati Bhawan, Atal Nagar, Nawa Raipur,, District : Raipur, Chhattisgarh

--- Respondent(s)**WPS No. 8533 of 2023**

1 - Chayan Krishna Sarkar S/o Nandulal Sarkar Aged About 53 Years Presently Posted As Patwari At P.H. No. 23, Bande, Tahsil- Bande, Noth Bastar Kanker, District : Kanker, Chhattisgarh

2 - Sohan Lal Uike S/o Manglu Ram Uike Aged About 50 Years Presently Posted As Patwari At P.H.No. 01, Gondahur, Tahsil- Pakhanjur, District- North Baster- Kanker, District : Kanker, Chhattisgarh

3 - Ranjan Das Manikpuri S/o Nakul Das Manikpuri Aged About 53 Years Presently Posted As Patwari At P.H. No. 22, Maroda, Tahsil- Bande, District- North Baster Kanker, District : Kanker, Chhattisgarh

4 - Prem Singh Darro S/o Batte Singh Darro Aged About 54 Years Presently Posted As Patwari At P.H. No. 32, Rengawahi, Tahsil- Bande, District- North Baster Kanker, District : Kanker, Chhattisgarh

5 - Bhirendra Kumar Sinha S/o Visheshwar Lal Aged About 55 Years Presently Posted As Patwari At P.H. No. 26, Bevarti, Tahsil- Kanker, District- North Baster Kanker, District : Kanker, Chhattisgarh

6 - Radhe Lal Salam S/o Paras Lal Salam Aged About 54 Years Presently Posted As Patwari At P.H. No. 26, Tarandul, Tahsil- Bhanupratappur, District- North Bastar Kanker, District : Kanker, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

2 - The Commissioner Land Records Chhattisgarh, Block- li, First Floor, Indravati Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

3 - Collector Kanker, District- North Baster Kanker, District : Kanker, Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Anukul Biswas and Mr. Santosh Kumar
Pandey, Advocates

For State :- Mr. Sangharsh Pandey, G.A.

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

26.02.2026

1. Since common question of facts and law is involved in both the cases, as such, both the petitions are being disposed of by this common order.

2. WPS No. 03 of 2024 (*Shyam Lal Patel and others vs. State of Chhattisgarh and others*) has been taken as lead case in order to decide the issues involved in these matters.

3. By way of these petitions, the petitioners are challenging the impugned order dated 11.12.2023 passed by Respondent No. 2, whereby the Revenue Inspector Preliminary Examination has been scheduled to be conducted on 07.01.2024 for the purpose of recruitment to the post of Revenue Inspector.

4. Subject matter in brief are that are that the petitioners are challenging the impugned order dated 11.12.2023 passed by Respondent No. 2, whereby the Revenue Inspector Preliminary Examination has been scheduled to be conducted on 07.01.2024 for the purpose of recruitment to the post of Revenue Inspector. As per the applicable Departmental Service Recruitment Rules, the sanctioned posts of Revenue Inspector are required to be filled 50% by direct recruitment and 50% by promotion. However, the respondent authorities have failed to adhere to the said statutory provisions while initiating the process of recruitment. The petitioners are fully eligible and entitled to be considered for promotion from the post of Patwari to Revenue Inspector, as they have been serving on the post of Patwari for more than 25 years and fulfill all the eligibility conditions prescribed under the relevant rules. Despite rendering long, continuous, and unblemished service, the petitioners have not been granted the benefit of promotion even once. The action of the respondents in proceeding with the recruitment process without considering the petitioners for promotion is arbitrary, discriminatory, and contrary to the provisions of the applicable recruitment rules, thereby causing serious prejudice to the petitioners. Therefore, the impugned order dated 11.12.2023 is illegal, arbitrary, and violative of the statutory rules and settled principles of law, and is liable to be quashed and set aside by this Hon'ble Court. Hence, the present petitions.

5. The petitioners have prayed for certain reliefs in the present writ petitions. Though there are some sort of differences in respect of prayer

made by the petitioners in both the petitions, however, in sum and substance, the reliefs are altogether similar and identical. The reliefs prayed in **WPS No. 03 of 2024 (Shyamlal Patel and others vs. State of Chhattisgarh and others)** are quoted hereinbelow in order to consider both the cases and to decide the same.

“10.1 That, the Hon'ble Court may kindly be pleased to quash/set-aside the impugned order dated 11.12.2023 (Annexure P-1) passed by the Respondent No. 2.

10.2 That, the Hon'ble Court may kindly be pleased to pass an order directing to the respondent authorities to fill the 50% posts of sanctioned posts of Revenue Inspector by promotion to Patwari on the seniority basis as per provisions of Departmental Service Recruitment Rules.

10.3 Any other relief may also be granted to the petitioners which this Hon'ble Court deemed fit in facts and circumstances of the case.”

6. Facts of the case, stated briefly, are that the petitioners were appointed on the post of Patwari on different dates and posted at various Patwari Halka Numbers. The petitioners have completed more than 20 years of continuous service on the same post and have never been granted promotion to the post of Revenue Inspector (RI), despite being eligible. In the year 2022, Respondent No. 2 called for details of Patwaris who had crossed the age of 50 years for the purpose of promotion, pursuant to which the Deputy Collector, Kondagaon,

forwarded a list including the names of the petitioners. Thereafter, the promotion process was initiated and the Revenue Inspector Examination was conducted, in which the petitioners appeared and qualified, thereby becoming eligible for promotion. While several Patwaris were selected for training and posted as Revenue Inspectors, the petitioners were excluded, and subsequently, by order dated 25.09.2023, the eligibility criteria was altered by reducing the required service period to 5 years, resulting in juniors being considered for promotion while seniors like the petitioners were ignored. Thereafter, Respondent No. 2 issued a letter dated 05.12.2023 inviting objections to the list of eligible and ineligible Patwaris uploaded on the official website, wherein the petitioners' names were not included. The petitioners, as well as the Chhattisgarh Patwari Sangh, submitted objections on 12.12.2023 pointing out violation of the applicable Promotion Rules; however, without considering the objections, the respondent authorities issued the impugned order dated 11.12.2023 for conducting the Revenue Inspector Preliminary Examination, compelling the petitioners to file the present petition.

7. Learned counsel for the petitioners submits that the impugned order dated 11.12.2023 is illegal, arbitrary and contrary to the well-settled departmental rules governing promotion. It is submitted that earlier promotions to the post of Revenue Inspector were granted on the basis of seniority to Patwaris who had completed 20 years of service and crossed the age of 50 years, as reflected in the promotion order dated 30.05.2016, pursuant to which several Patwaris junior to

the petitioners were promoted not only to the post of Revenue Inspector but even further to higher posts, while the petitioners were denied any promotion. It is further submitted that out of 1090 sanctioned posts of Revenue Inspector, only 789 posts have been filled and 301 posts are lying vacant, and as per the Departmental Service Recruitment Rules, 50% of the posts are required to be filled by promotion, entitling the petitioners to consideration for at least 151 promotional posts. Despite having completed more than 20 years of service and having crossed the age of 50 years, the petitioners have been arbitrarily excluded, while juniors have been promoted, causing grave prejudice to the petitioners who are nearing retirement. The action of the respondent authorities is in clear violation of Rule 4 and Rule 6(4) of the Chhattisgarh Public Service (Promotion) Rules, 2003, which mandate promotion on the basis of seniority, as well as the guidelines issued by the General Administration Department dated 09.01.2004. It is therefore submitted that the impugned order is violative of Articles 14 and 16 of the Constitution of India, opposed to the principles of natural justice, and is liable to be quashed and set aside.

8. Per contra, learned counsel appearing for the respondents/State submits that the impugned order dated 11.12.2023 has been issued strictly in accordance with the applicable recruitment rules and the administrative requirements of the department. Hence, the present petitions do not require any interference and deserve to be dismissed.

9. I have heard learned counsel for the parties and perused the material available on record.

10. From a perusal of the pleadings of the writ petitions, it appears that the petitioners were appointed on the post of Patwari during the period 1993 to 1998. From perusal of Schedule IV of the Chhattisgarh Land Records Class-III Non-Gazetted (Executive and Technical) Service Rules, 2014, it emerges that Patwaris/Tracers are eligible to be promoted to the post of Revenue Inspector after completion of five years of service as Patwari/Tracer, which is the minimum experience required for eligibility for promotion. It further appears that the concerned Patwari/Tracer is also required to pass the Revenue Inspector Examination, and thereafter becomes eligible for promotion to the post of Revenue Inspector. The aforesaid rules further provide that 50% of the posts of Revenue Inspector are to be filled by promotion and 50% by direct recruitment.

11. It is the case of the petitioners that they have already completed more than five years of service, which is the minimum required service for promotion to the post of Revenue Inspector, and they have also qualified the Revenue Inspector Examination. It has further been contended that their names were recommended by the authorities for promotion; however, till date they have not been promoted. From the averments made in the return filed by the respondents, it appears that the petitioners have not been promoted to the post of Revenue Inspector; however, no specific reason has been assigned for denying such promotion. The fact that the petitioners have completed the

requisite five years of service and have also passed the Revenue Inspector Examination is not in dispute. From a perusal of the recruitment rules, it prima facie appears that the petitioners fulfill the eligibility criteria for promotion to the post of Revenue Inspector.

12. In view of the aforesaid facts and circumstances of the case, this Court is of the opinion that the case of the petitioners deserves to be considered by the competent authorities for promotion, particularly when there is nothing on record to indicate the reasons for not granting promotion to them. Accordingly, the petitioners are directed to submit a representation along with a copy of this order and all relevant documents within a period of 15 days from the date of receipt of this order. Upon receipt of such representation, the respondent authorities shall consider the case of the petitioners for promotion to the post of Revenue Inspector in accordance with the applicable rules and pass an appropriate reasoned order within a further period of 60 days from the date of receipt of such representation.

13. It is made clear that this Court has not expressed any opinion on the merits of the claim, and the competent authority shall decide the matter independently and pass appropriate order in accordance with law.

14. With the aforesaid observations and directions, the writ petitions stand **disposed of**.

Sd/-
(Amitendra Kishore Prasad)
Judge