



2026:CGHC:15280-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WA No. 265 of 2026**

S.S. Tigga S/o Late Shri Alexzander Tigga Aged About 61 Years Presently Working As Deputy Inspector General Jail, Posted At Headquarters, Jail And Correctional Services Chhattisgarh, Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.

... Appellant(s)**versus**

1 - State Of Chhattisgarh Through Principal Secretary, Department Of Home (Jail), Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh.

2 - Director General Jail Chhattisgarh Sector-19, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh.

3 - Chhattisgarh Public Service Commission Through Its Secretary, Cgpsc, North Block, Sector-19, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh.

4 - Amit Shandilya S/o Shri Mannu Lal Shandilya Aged About 41 Years Occupation Service, Working As Jail Superintendent, Central Jail, Jagdalpur, R/o Superintendent House, Jail Line, Jagdalpur, District Bastar, Chhattisgarh.

... Respondent(s)

For Appellant(s) : Ms. Fouzia Mirza, Sr. Adv. Along with Mr. Ali Afzaal Mirza, Advocate

For Respondent(s) : Mr. Praveen Das, Add. A.G., Mr. Sudeep

Agrawal, Advocate and Mr. Prafull N. Bharat,
Sr. Adv. Alongwith Ms. Sunita Jain, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

02.04.2026

1. Heard Ms. Fouzia Mirza, learned Senior Advocate along with Mr. Ali Afzaal Mirza, learned counsel for the appellant. Also heard Mr. Praveen Das, learned Additional Advocate General for respondents / State, Mr. Sudeep Agrawal, learned counsel for respondent No.3 and Mr. Prafull N. Bharat, learned Senior Advocate alongwith Ms. Sunita Jain, learned counsel for respondent No.4.
2. The appellant has filed this writ appeal against the order dated 15.01.2026 passed by the learned Single Judge in W.P. (S). No.3033/2023 (***Amit Shandilya vs. State of Chhattisgarh and others***) whereby the learned Single Judge has allowed the writ petition filed by the writ petitioner / respondent No.4 herein.
3. Brief facts of the case are that the appellant was initially appointed as Jail Superintendent on 19.08.1994 and was inducted into the cadre on 30.05.2000, whereas the respondent No.4 (writ petitioner) was appointed in 2009 as Superintendent, District Jail and promoted in 2015 as Superintendent, Central Jail, presently posted at Jagdalpur, District Bastar; upon the superannuation of

Dr. K.K. Gupta, a vacancy arose on the post of Deputy Inspector General (DIG) Jail to be filled by promotion under the Chhattisgarh Jail (Gazetted) Service Recruitment Rules, 2008 and the Chhattisgarh Public Service (Promotion) Rules, 2003, and in the DPC meeting dated 08.02.2023, applying the merit-cum-seniority criteria based on ACR gradings, the appellant was recommended for promotion over the respondent No.4/petitioner. However, upon obtaining the DPC proceedings and ACR chart under the RTI Act, the respondent No.4/petitioner claimed to possess superior ACR gradings, including upgraded entries for the years 2018 and 2020, and submitted a representation dated 22.03.2023 seeking reconsideration, which was rejected on 26.04.2023 on the ground of non-availability of vacancy despite the appellant having already been promoted on 09.03.2023, leading the respondent No.4/petitioner to challenge the said promotion and rejection order by filing WPS No. 3033/2023, which was allowed by the learned Single Judge vide impugned order dated 15.01.2026. Hence this present appeal.

4. Learned counsel for the appellant submits that the impugned order dated 15.01.2026 passed by the learned Single Judge is unsustainable both in facts and in law, as it proceeds on a complete misappreciation of the governing statutory framework and the material on record. The learned Single Judge has failed to appreciate that the Departmental Promotion Committee (DPC), in its meeting dated 08.02.2023, strictly adhered to the prescribed

criteria of merit-cum-seniority as envisaged under the Chhattisgarh Jail (Gazetted) Service Recruitment Rules, 2008 and Rule 7 of the Chhattisgarh Public Services (Promotion) Rules, 2003. The benchmark for consideration was an overall grading of "Very Good" in the ACRs for the preceding five years, and upon such evaluation, both the appellant and respondent No.4/petitioner were found to fall within the same category of "Very Good." Consequently, in terms of Rule 7(9), once candidates are adjudged to be of equal merit, their inter-se seniority in the feeder cadre becomes the determinative factor. The appellant, being placed at Serial No.1 in the seniority list as on 01.04.2022 and being nearly 15 years senior to the respondent No.4/petitioner, was rightly recommended by the DPC and subsequently promoted vide order dated 09.03.2023. The learned Single Judge, however, erroneously interfered with a well-reasoned and rule-compliant recommendation, overlooking that the process adopted by the DPC was neither arbitrary nor contrary to the statutory provisions.

5. Learned counsel for the appellant further submits that the learned Single Judge erred in placing undue emphasis on the comparative number of "Outstanding" entries in the ACRs, without appreciating that under the applicable Rules and the settled guidelines of the Chhattisgarh Public Service Commission, the decisive factor is the overall grading and not isolated superior entries. Both the appellant and respondent No.4/petitioner were ultimately graded

as “Very Good,” thereby rendering them equal in merit within the zone of consideration. In such a scenario, the principle of merit-cum-seniority mandates that seniority must prevail, and the appellant, being the senior-most eligible officer, was justifiably accorded promotion. The DPC’s decision represents a conscious and informed exercise based on a structured marking system and categorization, duly recognized by administrative instructions and judicial precedents, including the law laid down by the Hon’ble Supreme Court in ***Ravikumar Dhansukhlal Mehta vs. High Court of Gujarat & Ors.***, reported in AIR 2024 SC 3256. The finding of the learned Single Judge, therefore, suffers from a fundamental error in interpreting the scope of judicial review in matters of promotion and in substituting its own assessment over that of a duly constituted expert body, warranting interference by this Court.

6. On the other hand, learned counsel for respondents opposes the submissions made by the learned counsel for the appellant and submits that the learned Single Judge after considering all the aspects of the matter has rightly allowed the writ petition filed by the writ petitioner / respondent No.4 herein, in which no interference is called for.
7. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
8. On a perusal of the impugned order, it reveals that the learned

Single Judge, after adverting to Rule 7 of the Chhattisgarh Public Services (Promotion) Rules, 2003, particularly sub-rules (6), (7) and (9), has held that promotion to the post of Deputy Inspector General of Prisons was required to be strictly governed by the principle of merit-cum-seniority, mandating a comparative assessment of merit of all eligible candidates within the zone of consideration. However, while examining the DPC proceedings dated 08.02.2023, the Court found that although the benchmark of “Very Good” ACR grading was applied and all candidates were held eligible, the DPC failed to undertake a meaningful comparative evaluation of their inter se merit and instead erroneously treated them as equal merely on the basis of similar gradings, thereafter proceeding to recommend the appellant solely on the basis of seniority, which according to the Court amounted to a mechanical application of seniority in derogation of the statutory requirement. Relying upon the principles laid down by the Hon’ble Supreme Court in *Ajit Singh and Others (II) vs. State of Punjab and Others* (1999) 7 SCC 209 and *Ravikumar Dhansukhlal Mehta* (supra), the learned Single Judge concluded that merit must be the predominant consideration and seniority can operate only as a tiebreaker after proper merit assessment, and since in the present case the DPC failed to assess comparative merit despite the petitioner’s claim of superior service record and ACR gradings, the promotion order dated 09.03.2023 and rejection of representation dated 26.04.2023 were held to be arbitrary, illegal and contrary to

Rule 7(9), resulting in quashment of the promotion and direction for fresh consideration by a duly constituted DPC.

9. Considering the submissions made by the learned counsel appearing for the parties and upon perusing the impugned order, we notice that the same has been rendered by the learned Single Judge with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmities or perversities, as such we are not inclined to interfere with the impugned order.
10. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Manpreet