



CGHC010194022026



2026:CGHC:38195
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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on 20-08-2026

Final order delivered on 25-08-2026

Final order uploaded on 25-08-2026

WPS No. 4177 of 2026

Madhuri Dhirhi W/o Shri Kalim Khan Aged About 36 Years R/o
D-138, Rama Life City, Sakri, District- Bilaspur (C.G.)

... Petitioner(s)

versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur (C.G.)
2. Director General Of Police, Chhattisgarh Police Headquarters, Atal Nagar, Nava Raipur, District Raipur (C.G.)
3. Additional Director General Of Police (Administration) Police Headquarters, Atal Nagar, Nava Raipur, District Raipur (C.G.)
4. Departmental Promotion Committee Through Its Chairman, Department Of Home (Police), Mantralaya, Mahanadi Bhawan, Raipur (C.G.)

... Respondent(s)

(Cause title is taken from CIS)

For Petitioner	:	Mr. Vivek Ranjan Tiwari, Senior Advocate along with Mr. Atul Kumar Kesharwani, Advocate
For State/ Respondents	:	Mr. Vivek Verma, Government Advocate

Hon'ble Shri Bibhu Datta Guru, Judge
C A V Order

1. By the present petition the petitioner seeks for following reliefs:-

I. A writ and/ or an order in the nature of appropriate writ calling the relevant records relating to the petitioner's case for its kind perusal.

II. A writ and/or an order in the nature of appropriate writ quashing the action/decision of the Departmental Promotion Committee declaring the Petitioner as 'not fit for the posting as Addl. S.P. (in para 10 of Annexure P-2) in violation of the applicable rules (Rules 2005) and by applying an arbitrary and perverse benchmark of fixing 15 marks for a 'Good' valuation on the basis of ACRs.

III. A writ and order in the nature of appropriate writ directing the Respondent Authorities to consider the case of the Petitioner afresh for posting as Additional Superintendent of Police in accordance with applicable rules and without importing any extraneous or arbitrary benchmark. The Hon'ble Court may further be pleased to direct the respondent authorities for conducting review DPC, if required for the above purpose.

iv. A writ and order in the nature of appropriate writ directing the Respondent Authorities to consider and decide the petitioner's representation/grievance strictly as per law, in a

time bound manner, in the interest of justice.

v. Any other relief as deemed fit by this Hon'ble Court may also be granted in favour of the petitioner.

2. Learned senior counsel for the petitioner submits that the petitioner is a 2014 batch direct recruit Deputy Superintendent of Police, presently working in the Senior Scale, and has completed the requisite eight years of qualifying service. She, therefore, fulfills the eligibility conditions prescribed under Rule 23 read with Column (4) of Schedule-V of the Chhattisgarh Police Executive (Gazetted) Service Recruitment and Promotion Rules, 2005 (for short, 'the Rules, 2005') for being considered for posting as Additional Superintendent of Police. It is submitted that, while considering the petitioner for such posting in December, 2025, the Departmental Promotion/Screening Committee arbitrarily declared her unfit by applying a benchmark of 15 marks under the head of "Good", though no such benchmark is prescribed under Rule 23 or Schedule-V of the Rules, 2005. The petitioner had secured four "Very Good" and one "Good" gradings, aggregating 14 marks. Learned senior counsel further submits that, under the prescribed grading system, "Good" carries 2 marks per year, whereas "Very Good" carries 3 marks per year, and therefore the requirement of 15 marks, when applied to five years,

effectively corresponds to securing the equivalent of “Very Good” grading for all five years. It is contended that the prescription of such a benchmark, having no foundation in the Rules, 2005, is extraneous to the prescribed criteria, arbitrary and violative of Articles 14 and 16 of the Constitution of India, rendering the decision of the Committee unsustainable in law. By referring the minutes of DPC in respect of posting for the post of Additional Superintendent of Police, learned Senior Counsel appearing for the petitioner would submit that the Committee has fixed the benchmarks of minimum 15 marks whereas the said fixation of benchmarks is contrary to the circular of the then Madhya Pradesh Government dated 05/09/1974, which has been annexed by covering memo dated 14/05/2026. The said circular has prescribed the benchmarks 8 to 12 for ‘good’ and even in the preceding years i.e. 2014 to 2017, the benchmarks has been prescribed by DPC as minimum marks 10.

3. (a) Learned State counsel, on the other hand, opposes the submissions advanced on behalf of the petitioner and submits that the petitioner has no vested right to be posted as Additional Superintendent of Police and has only a right to be considered for such posting. The petitioner’s case was duly considered by the Departmental Promotion Committee

(DPC), which, upon assessment of her service record and ACRs, found her “not fit”. It is submitted that the DPC, being an expert body, is competent to assess the suitability of eligible officers on the basis of their service records and ACRs. Learned State counsel submits that the benchmark of “Good” with a minimum of 15 marks was adopted by the DPC in accordance with the Chhattisgarh Public Services (Promotion) Rules, 2003 (for short, ‘the Rules, 2003’) and the prevailing practice, and that the same cannot be termed arbitrary merely because the petitioner seeks to arrive at a different conclusion on the basis of her own calculation of the marks corresponding to the ACR gradings. It is further submitted that Rule 23 of the Rules, 2005 cannot be read in isolation and has to be considered along with the Rules, 2003, which govern the assessment of fitness by the DPC. The petitioner’s fulfillment of the eligibility conditions, therefore, confers only a right of consideration and does not create any automatic right to be posted as Additional Superintendent of Police.

(b) It is further submitted that there is no violation of any statutory rule or constitutional provision warranting interference under Article 226 of the Constitution of India. Learned State counsel also submits that the petitioner has approached this Court without awaiting the outcome of her

pending representation. Thus, the decision of the DPC, having been taken upon consideration of the relevant service record and ACRs and in accordance with the applicable criteria, calls for no interference.

4. I have heard learned counsel for the parties and perused the documents appended thereto.
5. This Court by order dated 29.07.2026 has directed to file an affidavit of Additional Director General of Police(Administration)/respondent No. 3 showing as to how the benchmarks i.e. 15 has been fixed by the DPC, while considering the cases of the Deputy Superintendent of Police to Additional Superintendent of Police.
6. Pursuant to the aforesaid order, the affidavit has been filed stating that the benchmark of 15 marks was fixed by the duly constituted DPC after considering the nature, responsibilities and requirements of the post of Additional Superintendent of Police, as well as the service record and ACRs of eligible officers. The DPC, in exercise of its power to assess suitability, determined 15 marks as the minimum standard required for satisfactory performance at the higher post and applied the same uniformly to all eligible officers. Thus, the benchmark was fixed as an objective measure of suitability and not with reference to the petitioner individually.
7. For ready reference the Rule 23 of the Rules, 2005 is quoted

below:-

23. CONDITIONS OF ELIGIBILITY FOR POSTING AS ADDITIONAL SUPERINTENDENT OF POLICE:-

(1) Only those members of service, who are working in the senior-scale or Selection Grade or in Senior Selection Grade of the State Police Service and fulfill the conditions of eligibility, shown in column (4) of Schedule-V shall be eligible for consideration. for being posted as Additional Superintendent of Police. Deputy Commandant, or in the equivalent rank.

(2) Selection for posting, shall be made by the Committee, as specified in column (5) of Schedule-V.

8. A plain reading of the aforesaid provision makes it clear that an officer fulfilling the prescribed eligibility conditions is entitled to be considered for posting as Additional Superintendent of Police. However, such eligibility does not confer any vested or indefeasible right upon an officer to be posted to the said post. The petitioner, therefore, has a right of consideration and not a right to appointment or posting. Admittedly, the case of the petitioner was considered by the DPC along with other eligible officers.
9. Further perusal of minutes of the meeting of the Departmental Promotion/ Scrutiny Committee held on 10.12.2025 regarding the appointment of the members of the Senior Category Pay Scale Services for posting year 2025 prescribed the following conditions for appointment:-

6. राज्य पुलिस सेवा संवर्ग के वरिष्ठ वेतनमान प्राप्त सेवा के सदस्य जिनकी न्यूनतम सेवा या वेतनमान 8 वर्ष हो चुकी है. इनकी अतिरिक्त पुलिस अधीक्षक/उप सेनानी या समतुल्य रैंक के पदों पर पदस्थापना हेतु निम्नलिखित कसौटियां तय की गई :-

(1) संनिष्ठा संदेह से परे हो एवं संनिष्ठा प्रमाणित हो।

(2) विगत पांच वर्षों के गोपनीय प्रतिवेदनों का समग्र मूल्यांकन कम से कम "अच्छा श्रेणी का हो तथा किसी भी वर्ष का गोपनीय प्रतिवेदन "घ" श्रेणी का न हो। अंतिम वर्ष का गोपनीय प्रतिवेदन "ख" श्रेणी का न हो। वरिष्ठता-सह-उपयुक्तता के सिद्धांत पर अतिरिक्त पुलिस अधीक्षक के पद पर पदस्थापना द्वारा नियुक्ति के लिये न्यूनतम कसौटी "अच्छा होना चाहिए। न्यूनतम 15 अंक होना चाहिए।

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10. The principal grievance of the petitioner is with regard to the benchmark of 15 marks adopted by the DPC. According to the petitioner, having secured four “Very Good” and one “Good” grading, she ought to have been declared fit. This Court is unable to accept the submission in the manner advanced.
11. It is pertinent to mention here that the DPC is an expert body entrusted with the responsibility of assessing the suitability of eligible officers for promotion/posting. While undertaking such assessment, the DPC is entitled to make an overall assessment of the service record and ACRs of the candidates by applying uniform and objective standards. The Court, while exercising judicial review, does not sit as an appellate authority over the assessment made by the DPC nor can it substitute its own assessment for that of the expert body, unless the decision-making process is shown to be

arbitrary, mala fide, biased or contrary to the governing rules.

12. In case of **Union of India Vs. A.K. Narula** reported in **(2007) 11 SCC 10**, in para 15 the Supreme court has Observed:-

“ 15. The guidelines give a certain amount of play in the joints to DPC by providing that it need not be guided by the overall grading recorded in CRs, but may make its own assessment on the basis of the entries in CRs. DPC is required to make an overall assessment of the performance of each candidate separately, but by adopting the same standards, yardsticks and norms. It is only when the process of assessment is vitiated either on the ground of bias, mala fides or arbitrariness, that the selection calls for interference. Where DPC has proceeded in a fair, impartial and reasonable manner, by applying the same yardstick and norms to all candidates and there is no arbitrariness in the process of assessment by DPC, the court will not interfere.”

13. In case of **B. V. Sivaiah & Ors vs K. Addanki Babu and others**, reported in **(1998) 6 SCC 720**, Hon'ble Supreme Court has observed thus:-

“18. We thus arrive at the conclusion that the criterion of "seniority-cum-merit" in the matter of promotion postulates that given the minimum necessary merit requisite for efficiency of administration, the senior, even though less

meritorious, shall have priority and a comparative assessment of merit is not required to be made. For assessing the minimum necessary merit, the competent authority can lay down the minimum standard that is required and also prescribe the mode of assessment of merit of the employee who is eligible for consideration for promotion. Such assessment can be made by assigning marks on the basis of appraisal of performance on the basis of service record and interview and prescribing the minimum marks which would entitle a person to be promoted on the basis of seniority-cum-merit."

(emphasis supplied)

14. The Supreme Court in the case of **Dalpat Abasaheb Solunke v. B.S. Mahajan, (1990) 1 SCC 305** has held at para 12:-

"12. It will thus appear that apart from the fact that the High Court has rolled the cases of the two appointees in one, though their appointments are not assailable on the same grounds, the court has also found it necessary to sit in appeal over the decision of the Selection Committee and to embark upon deciding the relative merits of the candidates. It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to

be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction."

(emphasis supplied)

15. The aforesaid decisions make it clear that the Departmental Promotion Committee (DPC) is entrusted with the important responsibility of assessing the suitability and merit of eligible candidates for posting of Dy. SP as Additional SP. The DPC is not merely a formal recommending body, but is competent to undertake an overall assessment of the service record and performance of the candidates by applying uniform and objective standards. It is also permissible for the competent

authority/DPC to prescribe an appropriate minimum standard or yardstick for assessing merit and suitability, provided that such standard is consistent with the governing service rules, is applied uniformly to all eligible candidates, and does not operate arbitrarily or with *mala fide* intent. Thus, the DPC possesses a degree of discretion in evolving the mode or yardstick of assessment for determining the requisite merit for promotion; however, such discretion is subject to the condition that the assessment must be fair, impartial, reasonable and in conformity with the applicable rules. Judicial interference is warranted only where the assessment process is shown to be vitiated by arbitrariness, mala fides, bias, adoption of an impermissible criterion, or application of different standards to similarly situated candidates.

16. In the present case, the minutes of the DPC specifically record that, for posting to the post of Additional Superintendent of Police the minimum benchmark was fixed as "Good" with a minimum of 15 marks. The Committee thereafter assessed the service record/ACRs of the petitioner and found that she secured 14 marks and, consequently, did not satisfy the minimum benchmark prescribed by the Committee.
17. The fixation of benchmark falls within the exclusive domain and discretion of the DPC/ Selection Committee. Ordinarily,

the same cannot be interfered with unless it is shown to be arbitrary, discriminatory or contrary to any statutory provision.

18. The contention of the petitioner that the benchmark of 15 marks is extraneous merely because, according to her calculation, the marks corresponding to the individual ACR gradings result in 14 marks, cannot by itself render the decision of the DPC arbitrary. The relevant consideration is whether the DPC was competent to prescribe a minimum standard for assessing suitability and whether the same was applied uniformly and in accordance with the applicable rules.
19. In the facts of the present case, the petitioner admittedly fulfills the eligibility conditions for consideration under Rule 23 of the Rules, 2005. However, eligibility for consideration is distinct from suitability for posting. The DPC, being the competent expert body, considered the petitioner's service record and applied the minimum benchmark prescribed for all eligible officers. The petitioner has failed to demonstrate that the said benchmark was applied selectively, that any similarly situated officer was treated differently, or that the decision-making process was actuated by mala fides, bias or arbitrariness.
20. I am, therefore, of the considered opinion that the DPC was competent to assess the suitability of the petitioner and to

prescribe a reasonable minimum benchmark for such assessment. The petitioner, having secured 14 marks against the minimum benchmark of 15 marks prescribed by the Committee, was found not fit. No ground has been made out warranting interference with the decision of the DPC in exercise of the writ jurisdiction of this Court under Article 226 of the Constitution of India.

21. Consequently, the writ petition, being devoid of merit, is **dismissed.**

SD/-

(Bibhu Datta Guru)
Judge

Jyoti/ Gowri

Head Note

The fixation of benchmark falls within the exclusive domain and discretion of the DPC/ Selection Committee. Ordinarily, the same cannot be interfered with unless it is shown to be arbitrary, discriminatory or contrary to any statutory provision.