ITEM NO.7, 18 & 21 COURT NO.6 SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 16432/2017

(Arising out of impugned final judgment and order dated 06-04-2017 in SA No. 416/2016 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

DEEPAK KUMAR Petitioner(s)

VERSUS

ABHISHEK KUMAR & ORS. Respondent(s)

(WITH IA NO.63223/2017-IMPLEADING PARTY AND IA NO.63227/2017-IMPLEADING PARTY AND IA NO.63230/2017-IMPLEADING PARTY AND IA NO.63961/2017-INTERVENTION APPLICATION AND IA NO.63962/2017-CLARIFICATION/DIRECTION AND IA NO.63998/2017-INTERVENTION APPLICATION AND IA NO.64944/2017-IMPLEADING PARTY AND IA NO.64976/2017-IMPLEADING PARTY AND IA NO.65294/2017-I A FOR PERMISSION TO FILE IMPLEADMENT AND IA NO.65297/2017-IMPLEADING PARTY AND IA NO.65391/2017-INTERVENTION APPLICATION AND IA NO.65664/2017-IMPLEADING PARTY AND IA NO.66093/2017-IMPLEADING PARTY)

WITH
SLP(C) NO. 16723/2017 (XI)
(WITH IA NO.65220/2017-IMPLEADING PARTY)

SLP(C) NO. 16672/2017 (XI)
(WITH IA NO.56968/2017-IMPLEADING PARTY)

SLP(C) NO. 16669/2017 (XI)
(WITH IA 48864/2017 FOR IMPLEADING PARTY ON FOR INTERVENTION/IMPLEADMENT ON IA 48864/2017 AND IA NO.64911/2017-VAKALATNAMA AND MEMO OF APPEARANCE AND IA NO.64914/2017-INTERVENTION APPLICATION)

DIARY NO.18334/2017
(WITH IA NO.54775/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS AND IA NO.64938/2017-IMPLEADING PARTY)

DIARY NO.19924/2017
(WITH IA NO.56914/2017-EXEMPTION FROM FILING O.T. AND IA 56911/2017-PERMISSION TO FILE SLP)

Signature Not Verified
Digitally Signed by NARENDRA PRASAD
Date: 2017.08.03 17:50:39 IST
Reason:

DIARY NO.20008/2017
(WITH IA NO.56165/2017-CONDONATION OF DELAY IN FILING SLP AND IA

NO.56168/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS AND IA NO.56171/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.56173/2017-EXEMPTION FROM FILING O.T.)
DIARY NO.20150/2017
(WITH I.A.57506/2017-CONDONATION OF DELAY IN FILING SLP AND IA NO.57507/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS AND IA NO.57508/2017-EXEMPTION FROM FILINT O.T. AND IA NO.65150/2017-INTERVENTION)

DIARY NO.20387/2017
(WITH IA NO.59977/2017-CONDONATION OF DELAY IN FILING AND IA NO.59982/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.59979/2017-EXEMPTION FROM FILING O.T. AND IA NO.59975/2017-PERMISSION TO FILE SLP)

CONTEMPT PET.(C) NO.12/2017 IN CA. NO.595/2016

DIARY NO.22129/2017

DIARY NO.22404/2017

DIARY NO.22536/2017

Date : 01-08-2017 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Dushyant A. Dave,Sr.Adv.
Mr. Krishna M. Singh,Adv.
Mr. S.R. Setia, AOR

Mr. Amarendra Saran,Sr.Adv.
Mr. Anurag Dubey,Adv.
Mr. Rajesh Pathak,Adv.
Mr. Sumit Kumar, AOR
Mr. Abhishek Chakraborty,Adv.
Mr. Meenesh Dubey,Adv.

Mr. Parag Tripathi,Sr.Adv.
Mr. Ashwani Kumar Dubey, AOR

Mr. Rakesh Kumar Khanna,Sr.Adv.
Mr. Susheel Tomar,Adv.
Mr. Rajesh Srivastava, AOR
Ms. Seema Rao,Adv.

Dr. Rajiv Dhavan,Sr.Adv.
Mr. R. Venkataramani,Sr.Adv.

Mr. Anand Nandan,Adv.
Mr. Piyush Sharma,Adv.
Mr. Avijit Mishra,Adv.
Mr. Yashraj Bundela,Adv.
Mr. Praveen Vignesh,Adv.
Mr. Amit Pawan, AOR

Mr. Huzefa Ahmedi,Sr.Adv.
Mr. Amol Chitale,Adv.
Ms. Pragya Baghel, AOR

Mr. Karan Lahiri,Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Ekta Sikri,Adv.
Mr. Vikalp Mudgal,Adv.

Mr. Anuj Bhandari, AOR

For Respondent(s) Mr. D.K. Singh, AAG
Mr. Vinay Garg,Adv.
Mr. Kamlendra Mishra,Adv.
Mr. Saurabh Agrawal,Adv.
Ms. Komal Mundhra,Adv.
Mr. Rajeev Kumar Dubey,Adv.
Mr. Aviral Saxena,Adv.
Mr. Ravi Prakash Mehrotra,Adv.

Dr. A. Francis Julian,Sr.Adv.
Mr. Danish Zubair Khan,Adv.

Mr. Gyan Prakash Srivastava, AOR

Mr. Vinay Garg, AOR

Mr. Ravi Prakash Mehrotra, AOR

Mr. Danish Zubair Khan, AOR

Mr. Abhijat P. Medh, AOR

Mr. Soumya Chakraborty,Sr.Adv.
Ms. Riddhi Bose,Adv.
Mr. Danish Zubair Khan,Adv

Mr. Christopher D'souza,Adv.
Mr. Prabhat Kumar Rai,Adv.
Mr. Prashant Tyagi,Adv.

Ms. Priyanka Kakkar,Adv.
Mr. Devesh Kumar Tripathi, AOR
Mr. Amit Kumar,Adv.

Dr. Vinod Kr. Tewari,Adv.
Mr. Sandeep Kumar Dwivedi,Adv.
Mr. Vivek Tiwari,Adv.
Mr. Satyam Pandey,Adv.
Mr. Umesh Dubey,Adv.
Mr. Ram Anugrah Singh,Adv.
Mr. Pradeep Kumar Dwivedi,Adv.

Mr. Umesh Dubey,Adv.
Mr. Sandeep Kumar Dwivedi,Adv.

Mr. Amit Bose,Adv.
Mr. M.A. Chinnasamy,Adv.

Mr. Sanjay Kumar Yadav,Adv.
Mr. Ashok Kumar,Adv.
Dr. Kailash Chand,Adv.

Mr. Kaushal Yadav,Adv.
Mr. Nandlal Kumar Mishra,Adv.
Mr. Ram Kishor Singh Yadav,Adv.
Ms. Sunita Yadav,Adv.

UPON hearing the counsel the Court made the following

O R D E R

The issue raised in these petitions pertains to the selection and appointment of Sub-Inspector (Civil Police) and Platoon Commanders.

It has come out in the affidavit filed on behalf of Respondent Nos.1 to 3 in SLP(C) No.16723/2017, pursuant to our order dated 21.7.2017, that the selection process commenced on 19.05.2011 for recruitment to the post of 4010 vacancies. After the selection list was published, there were quite a few litigations.

Be that as it may, we are informed by the learned Additional Advocate General appearing for the State of U.P. that they are in dire need of police personnel, since no appointment in the post of Sub-Inspector has been made by way of direct recruitment during the past six years. We are also informed that 3533 candidates had already been sent for training in November, 2015 and they had almost completed the training. So far as 291 candidates for the post of Platoon Commander are concerned, it is stated in the affidavit that 132 candidates were sent for training of which 75 candidates have already completed the training.

In the above circumstances, we are of the view that it will be appropriate if the State is permitted and directed to complete the process of appointment of the candidates who had already commenced the training.

In case, any one of them has completed the training, it will be open to the State to appoint him/her straightaway.

The State is hence directed to resume the training process, within two weeks from today, and the process of training will be continued and completed till the last among the 3533 completes the training.

Needless to say, successful completion of the training will be followed by appointment.

In our order dated 21.07.2017 we have recorded that 237 candidates had actually gone to the High Court challenging the selection process, in 2015. We direct the State to subject those 237 candidates, in case they have qualified in the written examination, to group discussion, physical fitness and medical examination.

We make it clear that if any one of those 237 candidates have already participated in group discussion, they need not be called for the same again.

We also direct the learned Additional Advocate General to conduct a factual verification of the number of 237 and in case the number requires to be varied, subject to the actual persons that approached the High Court, it will be open to the State to include them also in the process of selection, as referred to above, giving them a similar treatment as the 237 candidates. As far as this process is concerned, we direct the State to file a Status-cum-Compliance Report within two weeks from today. The petitioners/intervenors in the special leave petition arising out of Diary No.16884/2017 (filed against order dated 29.07.2015 passed by the High Court of Judicature at Allahabad in Special Appeal Defective No.515/2015) shall not be entitled to any accommodation and so, they need not be included.

Regarding the candidates with respect to whom the selection

process was withheld on account of use of whitener, we direct the learned Additional Advocate General of the State of U.P. to get further instruction as to what will be the actual number of candidates who would have to be included on account of the judgment of this Court. That affidavit shall be filed within two weeks. Preparation of the list shall be based on the list dated 16.03.2015.

It shall also be clarified in the affidavit as to why out of 3784 candidates only 3533 candidates were sent for training.

In order to implement the directions, as above, all the directions issued by the High Court with regard to preparation of select list shall stand stayed except in the case of whitener and horizontal reservation. We also direct the High Court not to entertain any petition with regard to selection and appointment of Sub-Inspectors in U.P. which commenced in the year 2011 and to transfer all the pending petitions to this Court.

We also direct the Registry to list SLP(C) No.12538/2016 along with these matters and consolidate all other matters pertaining to the selection and appointment of Sub-Inspectors, referred to above, including contempt petitions and list all the matters along with these matters.

List on 22.08.2017 at 2.00 P.M.

We direct the Registry of the High Court of Allahabad, Bench at Lucknow to furnish the required information to Mr. D.K. Singh, Additional Advocate General for the State of U.P., regarding the candidates who had actually challenged the selection and also had otherwise become party to any challenge to the selection process in the writ petitions/appeals in 2015.

(NARENDRA PRASAD)
COURT MASTER (SH)

(RENU DIWAN)
ASST. REGISTRAR