

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1834 OF 2020
(@ out of SLP (C) No. 29808/2018)

TELANGANA STATE LEVEL POLICE RECRUITMENT
BOARD & ORS.

Appellant(s)

VERSUS

MOLLA YADUL

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of the judgment and order dated 11.06.2018 passed by the High Court of Judicature for the States of Telangana and Andhra Pradesh in Writ Appeal No.255/2018.

In 2016, the Appellant-Board had undertaken selection process to fill up 510 posts in various categories of Sub-Inspectors of Police (Civil), Reserve Sub-Inspectors of Police (AR/SAR/TSSPO & [Special Protection Force] SPF). As part of the process, apart from written test, the candidates were to undergo Physical Efficiency Test and their performances were to be assessed on the basis of these two tests.

The respondent had participated in the selection process. In the final result declared on 4.9.2017, the respondent had scored 116 marks in the written test and he was awarded 68.75 marks in Physical Efficiency Test, taking the aggregate to 184.75 marks. It is common ground that as part of Physical Efficiency Test, the candidates were required to participate in "High Jump Round". In

this round, the respondent was shown to have cleared 1.30 mtrs. whereas according to the respondent he had cleared 1.31 mtrs.

In terms of the final results, the concerned candidates were given appointments and a tabular chart which has been on record as part of Memorandum dated 5.12.2017 gives details of the selected candidates and the cut-off marks in respect of various posts as under:

Sl. No.	Name of the Post	Marks secured by the petitioner	Cut off marks for BC-E category
1.	SCT SI (Civil)	333.50	370-50
2.	SCT RSI (AR) (Men)	184..75	195.50
3.	SCT RSI (SAR) (CPL)	184..75	217 (OC) No vacancy of BC-E
4.,	SCT RSI (TSSP)	184..75	184.75
5.	SI in SPF	184.75	206 (OC) No vacancy of BC-E
6.	SFO	333.50	367

It must be stated that in a writ petition filed by the respondent challenging his non-selection, at an interim stage, the High Court had given the facility of re-test of the "High Jump Round". In the facility so afforded to the respondent, he had cleared 1.31 mtrs.

The marks were given to the respondent on the basis that he could only clear 1.30 mtrs, whereas by virtue of interim order, he

had cleared 1.31 mtrs. Consequently, the grading of the appellant and the aggregate marks allocable to him at 184.75 must show some improvement as a result of his having cleared 1.31 mtrs on the subsequent occasion. According to the learned counsel for respondent, he would be entitled on that count for an additional component of 1.25 marks, which may entitle him to seek appointment as regards SCT RSO (TSSP) [category-4] as noted in the chart extracted hereinabove.

In these circumstances, on 6.2.2020, the appellants were called upon to consider:

“(a) whether the respondent can be accommodated in respect of post at Serial No.4; and also (b) whether there are other claimants at the same level of 184.75; and if so, (c) whether anyone out of those claimants had at any juncture raised any claim against the post at Serial No.4.”

In pursuance of the aforesaid directions, Ms. Bina Madhavan, learned counsel for appellants placed for our perusal a copy of the letter dated 22.02.2020 from the Chairman of the appellant-Board. The letter expresses inability to accommodate the respondent on the ground that all the notified posts are already filled up.

It goes without saying that the performance of the respondent and his aggregate at 184.75 was on the premise that he could clear only 1.30mtrs. in the “High Jump Round”. Since the performance of the respondent in the “High Jump Round” had definitely improved, the submission on behalf of the respondent that his marks ought to be more than 184.75 deserves to be accepted. Consequently, the

respondent must certainly have aggregated above the last candidate who had been given employment in the concerned category.

We do not wish to disturb the appointment given to the selected candidates, but the respondent also cannot be deprived of his rightful due and the appointment that he is entitled to.

We are conscious that all eight posts have been filled up. But, considering the facts and circumstances on record, in exercise of our power under Article 142 of the Constitution, we direct:

(a) the appellant shall appoint the respondent as SCT Reserve Sub Inspector of Police (TSSP) with effect from 16.03.2020.

(b) Said appointment shall, for all purposes, be a fresh appointment effective from 16.3.2020.

(c) The respondent shall not be entitled to claim any back dated effect to his appointment nor shall he be entitled to any other benefits on any other count.

With the aforesaid directions, the appeal is disposed of.

.....J.
(UDAY UMESH LALIT)

.....J.
(INDU MALHOTRA)

.....J.
(HEMANT GUPTA)

New Delhi
February 27, 2020

ITEM NO.11

COURT NO.6

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 29808/2018

(Arising out of impugned final judgment and order dated 11-06-2018 in WA No. 255/2018 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

TELANGANA STATE LEVEL POLICE RECRUITMENT BOARD & ORS.Petitioner(s)

VERSUS

MOLLA YADUL

Respondent(s)

Date : 27-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. S.. Udaya Kumar Sagar, AOR
Ms. Bina Madhavan, Adv.
Ms. Swati Bhardwaj, Adv.

For Respondent(s)

Mr. Mehmood Umar Faruqui, Adv.
Mr. Somanatha Padhan, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, also stands disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(signed order is placed on the file)