

ITEM NO.42+7+58

COURT NO.8

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). 15699/2018

(Arising out of impugned final judgment and order dated 20-04-2018 in WA No. 10308/2018 passed by the High Court Of Judicature At Allahabad)

LANCE NAYAK PNO NO. 980510777 RAJ BAHADUR & ORS.Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.
 (Applications for exemption to file O.T.,
 intervention/impleadment, PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS)

WITH

SLP(C) No. 10674/2018 (XI)

SLP(C) No. 10675/2018 (XI)

SLP(C) No. 12891-12893/2018 (XI)
 (FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 72240/2018 & APPLICATION FOR TRANSPOSITION ON IA 122527/2018)

Diary No(s). 31847/2018 (XI)

Diary No(s). 42625/2018 (XI)
 (FOR ADMISSION and I.R. and IA No.175554/2018-CONDONATION OF DELAY IN FILING and IA No.175556/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.175555/2018-EXEMPTION FROM FILING O.T. and IA No.175552/2018-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.175557/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 7168/2019 (XI)
 (FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 178687/2018 FOR CONDONATION OF DELAY IN FILING ON IA 178688/2018)

Diary No(s). 46457/2018 (XI)
 (FOR ADMISSION and I.R. and IA No.33941/2019-CONDONATION OF DELAY IN FILING and IA No.33942/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.33943/2019-CONDONATION OF DELAY IN REFILING)

Item 7

MA 732/2019 in TC © No.287/2017

(Application for clarification/direction)

Item-58**MA 643/2019 in TC © No.297/2017****(Application for clarification/direction)****Date : 15-04-2019 These matters were called on for hearing today.****CORAM :****HON'BLE MR. JUSTICE UDAY UMESH LALIT****HON'BLE MS. JUSTICE INDU MALHOTRA**

For Petitioner(s) **Mr. Pallav Shishodia, Sr. Adv.**
 Mr. Vivek Vishnoi, Adv.
 Mr. Pawan Kr. Shukla, Adv.
 Mr. Pankaj Kr. Singh, Adv.
 Mr. Raghu Nath Vishnoi, Adv.
 Mr. Makrand Pratap Singh, Adv.
 Mr. Manindra Dubey, Adv.
 Mr. Raj Singh Rana, AOR

Ms. Vibha Dutta Makhija, Sr. Adv.
Mr. Manoj Gorkela, Adv.
Mr. Arpit Bisht, Adv.
M/S. Gorkela Law Office, AOR

Mr. P. N. Puri, AOR**Mr. Yash Pal Dhingra, AOR**

For Respondent(s) **Mr. P. N. Puri, AOR**
 Ms. Reeta Dewan Puri, Adv.
 Mr. J.S. Marahatta, Adv.

Mr. Pramod Kr. Singh, Adv.
Mrs. Swarupama Chaturvedi, AOR

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

Mr. Pallav Shishodia, learned Senior Counsel invited our attention to the U.P. Sub-Inspector and Inspector (Civil Police) Service Rules, 2008 and particularly Rule 16 thereof. Said Rule 16 is as under:

"16. Procedure for recruitment by promotion to the post of Sub-Inspector - For the purpose of recruitment by promotion on the basis of departmental examination to the post of Sub-Inspector, the Board shall conduct a written examination in the following manner:

(a) Written Examination - (I) The eligible candidates

shall be required to appear in the written examination which shall carry 300 marks. The details of the subjects included in the written examination and the marks shall allotted for each subjects are as follows:

Sl.No.	Subject	Maximum marks
1.	Hindi Essay (based on Law and Order case study and police functioning)	100 marks
2.	Basis Law, Constitution and Police Procedure (Indian Penal Code, Criminal Procedure Code, Evidence Act and Police Manual etc.)	100 marks (objective type)
3.	Numerical and Mental Ability Test	50 marks (objective type)
4.	Mental Aptitude Test/I.Q. Test/Reasoning	50marks (objective type)

Note- The question papers shall be set up keeping in mind the job profile of the post of Sub-Inspector and commensurate with the job responsibility.

Note 2- The candidates who fail to obtain minimum fifty percent marks in each subject shall not be eligible for promotion.

(ii) The Selection Committee shall, have regard to the provision of reservation referred to in Rule 6, prepare a list of successful candidates on the basis of marks obtained by them in the written examination under sub-clause (I) of Clause (a).

(b) **Physical Efficiency Test** - The candidates selected under clause (a) shall be required to appear in a Physical Efficiency Test of qualifying nature. The male candidates shall be required to complete a run of 10 kilometers in 75 minutes and female candidates a run of 5 kilometers in 45 minutes.

(c) **Service Records** - marks on the basis of Service Records shall be awarded to each candidate selected under sub-clause (ii) of clause (a). the maximum marks for the length of service shall be 20(01 marks for each year), for the educational qualification of Graduation and above degree 10 marks. Training Course 30 marks out of which 10 marks, Training Course 30 marks out of which 10 marks each for every substantive training subject to a maximum of 20 and 02 marks each for every non-substantive training subject to a maximum of 10 marks and 30 marks for annual entry. For every medal of National level 03 marks, every medal of state level 02 marks subject to maximum of 10 marks and no marks will be given for cash reward. Thus, there shall be maximum 100 marks as above. The Training Director of Police organization is authorised to

notify any training as substantive and non-substantive subject to the condition that no training which is less than one month's during shall be notified as substantive training. For every major punishment 30 marks, for every minor punishment 02 marks and for every adverse entry, petty punishment 01 marks shall be deducted. The Service Records shall also be examined keeping in view whether the candidate has been awarded some kind of punishment which renders him unsustainable for promotion. Any candidate whose integrity was withheld ever within the last five years shall not be eligible for promotion.

(d) Subject to the provision of clauses (a) and (c)- The marks obtained by each candidate shall sub-clause (ii) of clause (a) shall be added to marks obtained by him under sub-rule (v). the Selection Committee shall prepare a list of candidates on the basis of aggregate of marks so arrived.

(e) Group discussion - The candidates selected under the rule 17(a) shall be required to appear in a Group Discussion for which separate groups of then candidates each shall be formed. The process of Group discussion shall be carried out under the supervision of a panel comprising Managing Expert, Psychologist and Criminologist in the presence of Chairman of the Board of his nominee, one Additional Director General Police nominated by Director General of Police, (Uttar Pradesh) or Inspector General of Police/Deputy Inspector General of Police nominated by him. In the said Group Discussion, Police case study shall be presented for discussion and the entire Group discussion shall be completed within the stipulated timeframe. The group discussion shall carry 20 marks and it will include the evaluation of candidates Management Skill (5 marks), Presentation (5 marks), Attitude (5 marks) and Personality (5-marks). The marks shall also be uploaded in the Board website.

Note-1 The entire process of Group Discussion shall be video graphed and a Compact Form thereof shall be prepared.

Note 2-Nomination of officers for giving representation to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of Citizens in the Selection Committee shall be made in accordance with Section 7 of the Act, as amended from time to time.

(f) Election and merit list - The Board shall, having regard to the provisions of reservation referred in Rule 6, prepare a final select list of candidates in order or merit as disclosed by aggregate of marks obtained by them under sub-clause (d) and sub-clause (e) if two or more

candidates obtain equal marks, the candidate obtaining higher marks under rule-rule(c) shall be placed higher in the list. The selection committee shall forward the list of the Board which shall forward it to the Head of the Department."

According to the Rule, the eligible candidates are to appear in the written examination which is to carry 300 marks and the details of the subjects are given in Rule 16(A). The subjects so specified are 1 to 4 (subjects 3 & 4 carry 50 marks each).

According to the petition, the requirement to secure 50% marks is notto be reckoned subject-wise but ought to reckon paper-wise. And since there is common paper for subjects 3&4, the minimum marks which ought to be insisted upon must be in terms of the entire paper and not per subject i.e., subjects 3&4. Mr. Shishodia submits that his clients have secured 54% in the paper though the clients may not have secured 50% minimum in subjects 3&4.

According to Mr. Shishodia, if this submission is accepted, the petitioners would be entitled to the benefit of Order dated 30.01.2017 passed by this Court as the aggregate marks secured by them are more than 50%.

It may be mentioned here that the order dated 30.01.2017 itself had indicated that said order would not operate as precedent for other cases.

List for further consideration on 24.04.2019.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER