

Manish Kumar vs Union Of India And Ors on 24 April, 2017

Author: Chief Justice

Bench: D.Y. Chandrachud, Jagdish Singh Khehar

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION(C) NO.183/2013

Manish Kumar

..Petitioner

versus

Union of India and others

..Respondents

O R D E R

State of Uttar Pradesh

1. 11,376 vacant posts of Sub-Inspector of Police, are to be filled up by way of direct recruitment. Mr. Debasish Panda, Principal Secretary (Home), Government of Uttar Pradesh, who is present in Court in person, affirms, that 3200 vacancies of the posts of Sub-Inspector of Police, will be filled up each year over four years commencing from the year 2018. The advertisement notifying the vacancies for 2018 will be issued in the month of January, 2018, the result of the selection process will be declared in October, 2018, the training of the selected candidates will commence in February, 2019, and will conclude in January, 2020. The schedule for the next three years, we are assured, will remain the same, as for the year 2018.

2. Insofar as the posts of Constables of Police are concerned, which are also to be filled up by direct recruitment, it was submitted, that 30000 Constables will be recruited annually for four years, i.e., during the years 2017, 2018, 2019 and 2020. The annual process of issuing the advertisement, notifying the vacancies will be published in August every year. The results thereof will be declared in June of the following year. For each process of selection, training will commence in the month of October in the year of the declaration of the result, and the training process will conclude in the month of September of the next following year.

3. We hereby approve the recruitment process for selection of direct recruits, at the level of Sub-Inspector of Police, as also, that of Constables of Police.

4. We also further direct, that promotions to the various ranks shall be made from time to time as may be feasible, depending on the cadre strength.

5. Mr. Debasish Panda, Principal Secretary (Home), Government of Uttar Pradesh, who is present in Court in person, shall ensure that the selection, recruitment and training is conducted in the manner indicated hereinabove (which is truly the proposal submitted by the State Government itself). For ensuring that the submission made to this Court is not breached, we direct the Principal Secretary (Home), Government of Uttar Pradesh to ensure, that the Chairman of the Police Recruitment and Selection Board shall not be changed midstream, i.e., during the period intervening the issuance of the advertisement notification (for filling up the vacancies of different cadres) till the process of selection is completed.

6. In case of breach of the time lines indicated hereinabove, the officer mentioned hereinabove, shall be personally responsible.

State of Karnataka

1. The following vacancies are available in the State of Karnataka. These vacancies are to be filled up, by way of direct recruitment:

Police Sub-Inspectors	Sl.	Cadre	2016-17	2017-18	2018-19	Total	No.						
PSI (CIVIL)	165	164	164	493			RSI	39	38	38	115	2	(CAR/DAR)
SPL. RSI	28	28	28	84			(KSRP)				4	PSI (FPB)	5
	5	5	5	15			PSI	9	9				
8	26						(WIRELESS)				6	PSI (KSISF)	18
	17	17	52				PSI (CID)	12	12				
12	36						PSI (INT)	41	40	40	121	TOTAL	317
	313	312	942				Police Constables	Sl.	Cadre	2016-17	2017-18	2018-19	Total
	No.												
	1	PC	2112										
	2111	2111	6334				2	APC	688	688	688	2064	
								(CAR/DAR)					
	3	PC											
	3	2	8				4	RPC (KSRP)	849	849	849	2547	
	5	PC (KSISF)	396	395									
	395	1186					TOTAL	4048	4046	4045	12139		

2. In the Road Map for filling up the vacancies during the year 2016-17, we are informed by Shri Raghavendra Auradkar, IPS, Additional Director General of Police (Recruitment), Government of Karnataka, that the following process of selection is on-going:

Police Sub-Inspectors	Sl	Post	Number of	Present Status	No:	Vacancies				
Notified			1	Police	418	Provisional Select List has been			Sub-Inspector	
published and process of document				(Civil)		verification is in progress.			2	
Police	24	Provisional Select List has been				Sub-Inspector			published and	
process of document				(FPB)		verification is in progress.			3	
Police	28	Provisional Select List has been				Sub-Inspector			published and process of	
document				(Wireless)		verification is in progress.			4	
Police	12	Written examination has been				Sub-Inspector			conducted. The process of	
						(CID)			conducting viva-voce will be held	
									from 24.4.2017 and 25.4.2017 after	
									which Provisional Select List will	
									be published.	
	5	Sub-Inspector	18							

|Written examination has been | | |(KSISF) | |conducted. The process of | | | |
|conducting viva-voce will be held | | | |from 3.5.2017 and 4.5.2017 after | | | |
|which Provisional Select List will| | | |be published. | 6 |Police |59 |Written
examination has been | | |Sub-Inspector | |conducted. The process of | | |(Civil) |
|conducting viva-voce will be | | | |initiated in the Second week of | | | |May, 2017
after which Provisional | | | |Select List will be published. | 7 |Police |41 |Written
examination has been | | |Sub-Inspector | |conducted. The process of | | |(State |
|conducting viva-voce will be | | |Intelligence) | |initiated in the Third week of | | | |
|May, 2017 after which Provisional | | | |Select List will be published. | 8 |Reserve
|97 |Written examination has been | | |Sub-Inspector | |conducted. The process of | | |
|(CAR/DAR) | |conducting viva-voce will be | | | |initiated in the Fourth week of | | | |
|May, 2017 after which Provisional | | | |Select List will be published. | 9 |Special
Reserve|28 |Written examination has been | | |Sub-Inspector | |conducted. The
process of | | |(KSRP) | |conducting viva-voce will be | | | |initiated in the Third
week of | | | |June, 2017 after which Provisional| | | |Select List will be published. |
| |TOTAL |725 | |Police Constables |Sl |Post |Number of |Present Status | |No: |
|Vacancies | | | |Notified | | |1 |Police Constable |3992 |Provisional Select List has |
| |(Civil) | |been published and document | | | |verification is in progress. | 2
|Armed Police |1834 |Provisional Select List has | | |Constable(CAR/DAR)| |been
published and document | | | |verification is in progress. | 3 |Special Reserve |1976
|Merit List has been generated | | |Police Constable | |after the written examination. |
| |(KSRP) | |The provisional select list | | | |will be published in the First | | | |week
of May, 2017. | 4 |Police Constable |396 |Written examination has been | | |(KSISF)
| |conducted. Merit List will be | | | |generated and the provisional | | | |select list
will be published | | | |in the Second week of May, | | | |2017. | 5 |Police Constable
|226 |Merit List has been generated | | |(Wireless) | |after the written examination. |
| | | |The provisional select list | | | |will be published in the last | | | |week of
April, 2017. | | |TOTAL |8424 | |

3. It is pointed out, that in the above process of selection, the consideration has proceeded up to the finalisation of the provisional select list. It is submitted, that appointments, out of the provisional select list, will be made by July, 2017. In the selection processes, referred to above, wherein the written examination has been conducted, it is submitted, that the provisional select list will be finalised by May, 2017, and the appointment orders will be issued by July, 2017. We place on record the manner of filling up of direct recruit vacancies in the police cadre during the year 2016-2017.

4. It is submitted, that for filling up of remaining vacancies, the following time schedule has been determined by the High Court:

“A. For filling up of vacancies in the Cadre of Police Sub Inspector (Civil) |Sl.
|Description |Date | |No. | | |1. |Obtaining classification of |End of March | |
|Vacancies from the concerned Unit | | | |Officers. | | |2. |Publication of Notification
|2nd week of April | |3. |Issue of Paper advertisement |2nd week of April | |4.
|Inviting applications through |3rd week of April | | |on-line | |5. |Conduct of ET &

Police Station |4th week of May | |6. |Conduct of Written examination |4th week of June | | | | |7. |Conduct of Viva-voce |4th week of July | |8. |Publication of Select List |1st week of August| B. For filling up of vacancies in the Cadre of Reserve Sub Inspector (CAR/DAR):

Sl. No.	Description	Date	
1.	Obtaining classification of Vacancies from the concerned Unit Officers.	End of March	
2.	Publication of Notification	2nd week of April	
3.	Issue of Paper advertisement	2nd week of April	
4.	Inviting applications through on-line	3rd week of April	

|5. |Conduct of ET & Police Station |4th week of June | |6. |Conduct of Written examination |4th week of July | |7. |Conduct of Viva-voce |4th week of August | |8. |Publication of Select List |1st week of | | |September | C. For filling up of vacancies in the Cadre of Reserve Sub Inspector (FPB) and (Wireless):

Sl. No.	Description	Date	
1.	Obtaining classification of Vacancies from the concerned Unit Officers.	End of March	
2.	Publication of Notification	2nd week of April	
3.	Issue of Paper advertisement	2nd week of April	
4.	Inviting applications through on-line	3rd week of April	

|5. |Conduct of ET & Police Station |4th week of June | |6. |Conduct of Written examination |1th week of August | |7. |Conduct of Viva-voce |4th week of August | |8. |Publication of Select List |1st week of | | |September | D. For filling up of vacancies in the Cadre of Spl. Reserve Sub Inspector (KSRP):

Sl. No.	Description	Date	
1.	Obtaining classification of Vacancies from the concerned Unit Officers.	End of March	
2.	Publication of Notification	2nd week of April	
3.	Issue of Paper advertisement	2nd week of April	
4.	Inviting applications through on-line	3rd week of April	

|5. |Conduct of ET & Police Station |4th week of July | |6. |Conduct of Written examination |1th week of | | |September | |7. |Conduct of Viva-voce |4th week of | | |September | |8. |Publication of Select List |1st week of | | |October | E. For filling up of vacancies in the Cadre of Sub-Inspector (KSISF), PSI (CID) and PSI (INT):

Sl. No.	Description	Date
1.	Obtaining classification of Vacancies from the concerned Unit Officers.	End of August
2.	Publication of Notification	2nd week of September
3.	Issue of Paper advertisement	2nd week of September
4.	Inviting applications through on-line	3rd week of September
5.	Conduct of ET & Police Station	4th week of October
6.	Conduct of Written examination	3rd Week of November for SI (KSISF), 4th week of November for PSI (CID) and 1st Week of December for PSI (INT)
7.	Conduct of Viva-voce	3rd week of December
8.	Publication of Select List	2nd week of January

F. For filling up of vacancies in the Cadre of Cadre of Police Constable (Civil):

Sl. No.	Description	Date
1.	Obtaining classification of Vacancies from the concerned Unit Officers.	4th week of May
2.	Publication of Notification	2nd week of June
3.	Issue of Paper advertisement	2nd week of June
4.	Inviting applications through on-line	3rd week of June

|5. |Conduct of Written Examination |2nd week of August| |6. |Preparation of Merit List |1st week of | | |September | |7. |Conduct of ET & PST |4th week of | | |September | |8. |Publication of Selection list |2nd week of | | |October | G. For filling up of vacancies in the Cadre of Cadre of Armed Police Constable (CAR/DAR):

Sl. No.	Description	Date
1.	Obtaining classification of Vacancies from the concerned Unit Officers.	4th week of May
2.	Publication of Notification	2nd week of June
3.	Issue of Paper advertisement	2nd week of June
4.	Inviting applications through	3rd week of June

| on-line |

|5. |Conduct of Written Examination |4th week of August| |6. |Preparation of Merit List |3rd week of | | |September | |7. |Conduct of ET & PST |2nd week of | | |October | |8. |Publication of Selection list |4th week of | | |October | H. For filling up of vacancies in the Cadre of Cadre of Spl. Reserve Police Constable (KSRP):

Sl. No.	Description	Date	
1.	Obtaining classification of Vacancies from the concerned Unit	4th week of September	
2.	Publication of Notification	2nd week of October	
3.	Issue of Paper advertisement	2nd week of October	
4.	Inviting applications through on-line	3rd week of October	
5.	Conduct of Written Examination	2nd week of December	
6.	Preparation of Merit List	3rd week of January	
7.	Conduct of ET & PST	3rd week of January	
8.	Publication of Selection list	1st week of February	

J. For filling up of vacancies in the Cadre of Cadre of Police Constable (KSISF):

Sl. No.	Description	Date	
1.	Obtaining classification of Vacancies from the concerned Unit	4th week of October	
2.	Publication of Notification	2nd week of November	
3.	Issue of Paper advertisement	2nd week of November	
4.	Inviting applications through on-line	3rd week of November	
5.	Conduct of Written Examination	4th week of December	
6.	Preparation of Merit List	3rd week of January	
7.	Conduct of ET & PST	3rd week of February	
8.	Publication of Selection list	4th week of February	

K. For filling up of vacancies in the Cadre of Cadre of Police Constable (FPB):

Sl. No.	Description	Date
1.	Obtaining classification of Vacancies from the concerned Unit Officers.	4th week of October
2.	Publication of Notification	2nd week of November
3.	Issue of Paper advertisement	2nd week of November
4.	Inviting applications through on-line	3rd week of November
5.	Conduct of Written Examination	4th week of January
6.	Preparation of Merit List	3rd week of February
7.	Conduct of ET & PST	2nd week of March
8.	Publication of Selection list	3rd week of March

5. We are informed on behalf of the State of Karnataka, that the Principal Secretary, Home Department, Government of Karnataka, is monitoring the recruitment process. He assures this Court, that the time lines indicated hereinabove, will be duly complied with. The statement made on behalf of the State of Karnataka, is taken on record.

6. We hereby direct, that the Principal Secretary, Home Department, Government of Karnataka, and the Additional Director General of Police (Recruitment), Karnataka shall be responsible for filling up all the vacancies, in the manner indicated to this Court on behalf of the State Government, by strictly adhering to the time lines.

State of Tamil Nadu

1. Mr. V. Sampath, Joint Secretary, Department of Home, Government of Tamil Nadu, and Mr. Sanjay Arora, Additional Director General of Police, are present in Court in person, to assist this Court about the manner by which direct recruitment will be made, to fill up vacancies of different ranks in the police department.

2. In the cadre of Sub-Inspectors (Taluk), we are informed, that as against the sanctioned strength of 8151 posts, 6398 sub-inspectors are in position. It is submitted, that the vacancies in the said cadre as on 1.1.2017, were 1753. Out of the above vacancies, it is pointed out, that the process of selection of 1026 Sub-Inspectors (Taluk) has been completed, and their training is in progress. It is submitted, that the above- mentioned trainees are likely to be issued appointment orders shortly, on the conclusion of their training, whereupon, they are expected to join the police force, by 1.10.2017.

It is submitted, that the remaining 720 vacancies in the cadre of Sub-Inspectors (Taluk) will be initiated and completed, within four months from today.

3. Insofar as the cadre of Sub-Inspector (Armed Reserve) is concerned, it is pointed out, that it has a sanctioned strength of 1209 posts, out of which 1099 personnel are in position. As such, there are only 110 vacancies of Sub-Inspectors (Armed Reserve), which remain to be filled up. It is submitted, that the above posts are to be filled up by way of promotion, and the process of promotion to the above 110 vacancies, shall be completed, and appointment orders will be issued, within four months from today.

4. Insofar as the cadre of Sub-Inspector (Tamil Nadu Special Police) is concerned, it has a sanctioned strength of 477, out of which 400 personnel are in position. It is pointed out, that the remaining 77 vacancies in the cadre of Sub-Inspector (Tamil Nadu Special Police) are to be filled up by way of promotion, and the process of promotion to the above 77 vacancies will be completed, and appointments will be made, within five months from today.

5. Insofar as the cadre of Constables is concerned, it is submitted, that there is a sanctioned strength of 1,09,694 posts, out of which 92,105 personnel are in position. As against the remaining 17,589 vacancies, the Tamil Nadu Uniformed Services Recruitment Board has already issued an advertisement notifying 13,183 vacancies of Grade-II Police Constables (Armed Reserve and Tamil Nadu Special Police) on 23.01.2017. It is pointed out, that the provisional selection list, will be issued positively by August, 2017, whereafter, after abiding by the verification process, orders of appointment will be issued in November, 2017, requiring the selected candidates to undergo training for a period of eight months.

6. It is submitted, that the entire balance vacancies, including such vacancies which may arise in the interregnum, will be taken up, as soon as the provisional list, for the existing process of selection is published, in August, 2017. It is affirmed, that the Tamil Nadu Uniformed Services Recruitment Board, will fill up all the remaining vacancies, in the cadre of Constables of Police, within a period of eight months of the issuance of the advertisement. In the above view of the matter, it is expressly undertaken, that all the balance vacancies in the cadre of constables, will be filled up by April, 2018.

7. The aforesaid factual position brought to the notice of this Court, is taken on record. The Director General of Police, who is also the Chairman of the Tamil Nadu Uniformed Services Recruitment Board, shall be personally responsible for complying with the undertaking given to this Court.

States of West Bengal, Bihar and Jharkhand Even though, we had taken up for consideration the matter relating to filling up of vacancies in the police force for the States of West Bengal, Bihar and Jharkhand, we refrain ourselves from passing any final orders, in respect of the above States. Proceedings with reference to the aforesaid three States, are accordingly deferred to 1.5.2017.

In addition to the above three States, the three States with the next largest number of vacancies are:

Telangana	-	17504
Rajasthan	-	15731

We therefore hereby direct, the Home Secretaries of the additional three States, referred to hereinabove, to assist this Court personally, or to nominate an officer of the department, not below the rank of Joint Secretary, to prepare a definite road map for filling up the vacancies of police personnel.

Post for further consideration on 01.05.2017.

.....CJI [JAGDISH SINGH KHEHAR] NEW DELHI;J. APRIL 24, 2017. [Dr. D.Y. CHANDRACHUD] ITEM NO.37 COURT NO.1 SECTION PIL(W) S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Writ Petition(s)(Civil) No(s). 183/2013 MANISH KUMAR Petitioner(s) VERSUS UNION OF INDIA AND ORS. Respondent(s) (with appln. (s) for exemption from filing O.T. and extension of time) Date : 24/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE HON'BLE DR. JUSTICE D.Y. CHANDRACHUD For
Petitioner(s) Mr. Manish Kumar, in person For Respondent(s) Mr. Maninder Singh,
ASG Mr. Ajay Kumar Singh, Adv.

Ms. Sushma Manchanda, Adv.

Mr. Abshishek Atrey, Adv.

Mr. S.Wasim A. Qadri, Adv.

Mr. Sudhir Walia, Adv.

for Mr. M.K. Maroria, AOR Ms. Sunita Sharma, Adv.

Mr. R.R. Rajesh, Adv.

for Mr. Raj Bahadur, AOR Mr. Ravi Prakash Mehrotra, Adv. Mr. Aviral Saxena, Adv.

Mr. Vibhu Tiwari, Adv.

Mr. Subramonium Prasad, Sr. Adv. Mr. M. Yogesh Kanna, Adv.

Ms. Nithya , Adv.

Mrs. Maha Lakshmi, Adv.

Mr. Partha Sarathi, Adv.

Mr. Tapesk Kumar Singh, Adv.

Mr. Kumar Anurag Singh, Adv.

Mr. Mohd. Waquas, Adv.

Mr. Aditya Pratap Singh, Adv.

Mr. Rudreshwar Singh, Adv.

Mr. Gautam Singh, Adv.

Ms. Isha Singh, Adv.

for Mr. Samir Ali Khan, AOR Mr. A.K. Ganguli, Sr. Adv.

Mr. Raja Chatterjee, Adv.

Mr. Kunal Chatterjee, Adv.

Mr. C.K. Ganguli, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Shuvodeep Roy, Adv.

Ms. Jesal Wahi, Adv.

for Ms. Hemantika Wahi, Adv.

Mr. Mrityunjai Singh, Adv.

for Mr. S. Udaya Kumar Sagar, AOR Mr. Shiv Mangal Sharma, AAG Mr. Arjun Singh, Adv.

for Mr. Milind Kumar, AOR Mr. Guntur Prabhakar, Adv.

Ms. Aruna Mathur, Adv.

for M/s Arputham Aruna & Co.

Mr. Ranjan Mukherjee,Adv.

Mr. V. G. Pragasam,Adv.

Mr. Sapam Biswajit Meitei, adv. Mr. Naresh Kumar Gaur, Adv.

for Mr. Ashok Kumar Singh,AOR Mr. D.K. Thakur, AAG for Mr. Varinder Kumar Sharma,AOR Ms. Bansuri Swaraj, Adv.

for Mr. C.D. Singh, AOR Mr. M. Shoeb Alam, Adv.

Ms. Fauzia Shakil, Adv.

Mr. Ujjwal Singh, Adv.

Mr. Pragyan, Adv.

Mr. Shikhar Garg, Adv.

Mr. Ganesh Bapu, Adv.

for Mr. P. V. Yogeswaran,AOR Mr. Sanchar Anand, AAG Mr. Apoorv Singhal, Adv.

Mr. Anant K. Vatsya, Adv.

Mr. Narsingh N. Rai, Adv.

for Mr. Kuldip Singh,Adv.

Mr. Rajiv Nanda,Adv.

Mr. Sudarshan Singh Rawat,Adv.

Mr. Anil Grover, AAG Ms. Noopur Singhal, Adv.

Mr. Satish Kumar, Adv.

Mr. Sandeep Yadav, Adv.

Mr. Sanjay Kumar Visen,Adv.

Mr. Mishra Saurabh,Adv.

Ms. G. Indira,Adv.

Mr. Shishir Deshpande,Adv.

Ms. Rushira gupta, Adv.

Mr. Salvador Santosh Rebello, Adv. Mr. Anurag Sharma, Adv.

Ms. K. Enatoli Sema,Adv.

Mr. Krishnayan Sen,Adv.

Ms. Asiya Khan, Adv.

Mr. Uddyam Mukherjee, Adv.

UPON hearing the counsel the Court made the following O R D E R The filling up of vacancies in the police force in the States of Uttar Pradesh, Karnataka and Tamil Nadu be dealt with, in the manner indicated in the signed order.

Even though, we had taken up for consideration the matter relating to filling up of vacancies in the police force for the States of West Bengal, Bihar and Jharkhand, but we refrain ourselves from passing any final orders, in respect of the above States. Proceedings with reference to the aforesaid three States, are accordingly deferred to 1.5.2017.

In addition to the above three States, the three States with the next largest number of vacancies are:

Gujarat	-	28580
Telangana	-	17504
Rajasthan	-	15731

We therefore hereby direct, the Home Secretaries of the additional three States, referred to hereinabove, to assist this Court personally, or to nominate an officer of the department, not below the rank of Joint Secretary, to prepare a definite road map for filling up the vacancies of police personnel.

Post for further consideration on 01.05.2017.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS

[signed order is placed on the file]