

GAHC040014662024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/498/2024

Lod Tari and 5 Ors
Inspector, presently posted at the office of the Superintendent of Police, Namsai,
Namsai District, Arunachal Pradesh.

2: Atang Taki
Age:
Occupation :
Inspector
presently posted at the office of the Superintendent of Police
Tezu
Lohit District
Arunachal Pradesh.

3: Pasang Onge
Age:
Occupation :
Inspector
presently posted at the CMO Security Office
Itanagar
Papum Pare District
Arunachal Pradesh.

4: Habung Tapa
Age:
Occupation :
Inspector
presently serving in the office of the Superintendent of Police
Special Branch
Itanagar
Papum Pare District
Arunachal Pradesh.

5: Passang Simi

Age:
Occupation :
presently posted at the office of the Superintendent of Police
Yupia
Papum Pare District
Arunachal Pradesh.

6: Mipak Riba
Age:
Occupation :
presently posted in the office of the Superintendent of Police
SIC (Vig)
Itanagar
Papum Pare District
Arunachal Pradesh

VERSUS

The State of AP and 2 Ors
represented by the Principal Secretary, Home, Govt of Arunachal Pradesh, Itanagar.

2:The Director General of Police
Age: 0
Occupation :
Police Headquarter
Govt of Arunachal Pradesh
Itanagar.

3:The Arunachal Pradesh Public Service Commission
Age: 0
Occupation :
represented by its Secretary
Itanagar
Arunachal Pradesh

Advocate for the Petitioner : Dicky Panging, Rosy C Lowangcha, Tokge Darin, Kirmar Ado, Doge Lona, Marge D, Daina Tamuk

Advocate for the Respondent : GA (AP), S/C APPSC, Ajin Apang, Sr. Advocate

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 04.11.2024

Heard Mr. D. Panging, learned counsel for the petitioners. Also heard Mr. S. Tapin, learned Senior Government Advocate for the respondent Nos. 1 & 2 and Mr. A. Apang, learned Standing Counsel-cum-Senior Advocate for the APPSC assisted by Ms. N. Anju, learned counsel for the respondent Nos. 2 & 3.

This is an application under Section 226 of the Constitution of India challenging the illegality and validity of the Advertisement No. 10/2024 issued by the Arunachal Pradesh Public Service Commission vide No. PSC-R(A)/12/2024, dated 10th October, 2024, whereby, advertisement has been issued for filling up of 6 (six) numbers of post of APPS-Entry Grade of the Civil Police.

Issue notice, returnable by 22.11.2024.

As Mr. S. Tapin, learned Senior Government Advocate and Ms. N. Anju, learned counsel for the APPSC have entered appearance and accepted notice on behalf of the respondent Nos. 1 to 3, no formal notice is required to be sent to the said respondents. However, requisite extra-copies of the writ petition along with the documents appended thereto be furnished to them during the course of the day.

It is submitted by Mr. D. Panging, learned counsel for the petitioners that the petitioners are presently serving as Inspectors in the Arunachal Pradesh

Police (Civil) and are presently eligible for promotion as Deputy Superintendent of Police/Sub Divisional Police Officer, i.e. Arunachal Pradesh Police Service (APPS-Entry Grade) Group-A and governed by *the Arunachal Police Service Rules, 1989*. As per Rule 5 of the said Rule, 50% of the vacancies were to be filled by direct recruitment and the remaining 50% to be filled up by merit-cum-seniority basis. But from the RTI application received by the petitioners, it is revealed that out of 30 posts of the APPS (Entry Grade) under direct recruitment quota, 32 persons have been appointed and as such, there is an excess of 2 (two) posts being filled up by way of direct recruitment. So out of vacancy of 9 (nine) promotional posts of APPS (EG), the advertisement has been made for 6 (six) posts, which is against the Rule, which provides that 50% of the vacancies were to be filled by direct recruitment and the remaining 50% to be filled up by merit-cum-seniority basis. Accordingly, Mr. Panging, learned counsel submitted that advertisement dated 10.10.2024 may be stayed till the disposal of the present petition, otherwise, it may affect the present petitioners, who are eligible for promotion.

In this context, Mr. S. Tapin, learned Senior Government Advocate has submitted that he needs some more time to take instructions from the Department concerned and to file his affidavit-in-opposition and till then, there may not be any interim order/stay of the said advertisement.

Mr. A. Apang, learned Standing Counsel-cum-Senior Advocate for the APPSC also submitted that it may create a problem in the recruitment process as the date of examination has already been fixed on 15.12.2024 and the last date of receiving applications has also been fixed till 10.11.2024.

Considering the entire circumstances of this case, let the matter be listed on 22.11.2024, enabling the respondents to file their affidavit-in-opposition and also to take instructions from the authority.

Prayer for interim relief may be considered on the next date of listing, after hearing both the parties.

JUDGE

Comparing Assistant