

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 MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 11.12.2024

Heard Mr. D. Panging, learned counsel for the petitioners. Also

heard Mr. S. Tapin, learned Senior Government Advocate appearing for the respondents.

2. In the present writ petition, the petitioners, who are presently serving as Inspector of Police (Civil) in the Arunachal Pradesh Police Force, have raised a grievance to the effect that the posts earmarked for their promotion to the Arunachal Pradesh Police Service (Entry Grade) Civil Police, is being utilised for the purpose of direct recruitment to the APPS (Entry Grade) and thereby, depriving them from having their cases so considered for promotion to the APPS (Entry Grade) against the post so earmarked for them in the cadre. The petitioners accordingly, have presented a challenge to an advertisement No.10/2024 issued by the Arunachal Pradesh Public Service Commission on 10.10.2024, by which, 6(six) post of APPS Entry Grade were put up for recruitment. The petitioners in this connection have submitted that the said posts so put up for direct recruitment have been so done by utilising the post which were earmarked for their promotion to the APPS (Entry Grade) Civil Police.

3. The petitioners in support of their contentions have referred to the Arunachal Pradesh Police Service(2nd Amendment) Rules, 2023, more particularly, the amended provision of Rule 5 which now mandates that for recruitment to the Arunachal Pradesh Police Service (Entry Grade), the posts of Sub-Divisional Police Officer/Deputy Superintendent of Police/ Assistant Commandant (AAPBn) and Assistant Commandant (IRBn) so figuring therein shall be also filled up by promotion from

amongst the eligible officers belonging to the respective feeder grade/cadre post of the Inspector of Police (Civil) Inspector of Police, and Inspector AAPBn;IRBN as specified under clause (b) of sub-rule (1) of Rule 5, clause (a) and (b),(i) of sub-rule(1) of Rule 12 and Rule 26. By placing reliance on the amended provision of the Arunachal Pradesh Police Service Rules, 1989, it is submitted by the learned counsel for the petitioner that the promotion of the Inspector of Police (Civil) would now be only permissible against the posts so figuring in the Arunachal Pradesh Police Service (Entry Grade) in Civil Police. Accordingly, it is the apprehension of the petitioners that, in the event, the recruitment process as initiated vide the said advertisement dated 10.10.2024 by the APPSC, is permitted to be taken to its logical conclusion, the petitioners herein would be deprived of their promotional avenue and accordingly, they would face stagnation in their respective services.

4. Mr. S. Tapin, learned Senior Government Advocate had filed an affidavit in the matter on 09.11.2024, however, when the matter was taken up today, Mr. Tapin, has prayed for withdrawal of the said affidavit which was not objected to by Mr. D. Panging, learned counsel for the petitioner. Accordingly, the said affidavit was permitted to be withdrawn. Mr. Tapin, thereafter, has filed an affidavit today i.e. on 11.12.2024 and has brought on record the actual cadre strength of the post in APPS (Entry Grade). The same being relevant is being extracted herein below;
 "The actual statement of APPS (Entry Grade) posts as on date is as shown under the table below.

Unit	Direct 20%	Promotion 50%
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Civil Police	30	30
AAPBn	06	06
IRBn	16	17
Total	52	53
Filled up	32	25
Vacancy	20	28

As shown above, currently there are 20 vacancies in the post mean for the direct recruitment; whereas 28 vacancies are there for promotion in the entry cadre.”

5. Further, the respondent authorities in the said affidavit in paragraph-5 have contended that the 6(six) post as advertised by APPSC would come within the 20(twenty) post lying vacant against the quota for direct recruitment and therefore, the petitioners would not have any grievance.

6. In view of the categorical stand now taken in the matter vide the fresh affidavit filed today i.e. on 11.12.2024, in the present writ petition, by the respondents, the apprehension of the petitioners herein of curtailment of their promotional post in APPS Entry Grade (Civil Police) stands redressed.

7. Considering the break-up of the post in the APPS (Entry Grade) for different cadres as extracted herein above from the affidavit filed by the respondents, it is seen that there are 30(thirty) post earmarked in the APPS Entry Grade (Civil Police) for promotion from the feeder post of Inspector of Police (Civil). It is further required to be noted that the respondents have highlighted that there exist 20(twenty) vacant post for

direct recruitment amongst the various cadres forming the APPS (Entry Grade).

8. Accordingly, considering the projections made in the affidavit so filed by the respondents today, i.e. 11.12.2024, it is provided that the respondents may proceed with the selection process in pursuance to the advertisement dated 10.10.2024, issued by the APPSC and effect appointments against the posts so advertised which has been contended to be the posts reserved for direct recruitment, in the various cadres forming the APPS (Entry Grade). However, it is provided that while effecting the appointments, the promotional quota for Inspector of Police (Civil) in the APPS Entry Grade (Civil Police) shall not be infringed with and the 30(thirty) post as now earmarked in the APPS Entry Grade (Civil Police) shall be continued to be maintained. In other words, the direct recruitment shall not be effected against the post earmarked in the APPS (Entry Grade) (Civil Police) for promotion from the feeder cadre of Inspector of Police (Civil).

9. The issue arising in the present proceedings would required a further detail consideration and accordingly, Registry to list this matter again on **22.01.2025**.

10. The petitioners are at liberty to prefer their affidavit-in-reply to the affidavit so filed by the respondents today i.e. on 11.12.2024.

JUDGE

Comparing Assistant