

Ú\2351

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION(C) NO. 183 OF 2013
Manish Kumar ..Petitioner

versus

Union of India and others ..Respondents

O R D E R

State of Bihar

1. Mr. Jitendra Kumar, Special Secretary (Home), Government of Bihar has assisted Mr. Amrendra Sharan, learned senior advocate in the manner and the time lines by which vacancies of police personnel in the State of Bihar would be filled up. A detailed affidavit dated 5.5.2017 has been furnished to us. The same is taken on record. Based on the assistance rendered to this Court, we finalise the following manner of filling up the vacancies of police personnel in the State of Bihar:

1. Sub-Inspector of Police (Vacancies: 3060 posts)

Sr.

No. Number of
Vacancies Remarks Date by which
Recruitment Process
to be completed

1. 186 posts Direct

Recruitment

under process

vide

advertisement

of the year

2004 Status quo as per
order of this

Hon'ble Court dated

20.4.2017 passed in

Civil Appeal No.

2795-2797 of 2017.

2. 299 posts Direct By 1.8.2017

2

Recruitment

under process

vide

advertisement

of the year

2011 (as per directions

of this Hon'ble

Court dated

20.4.2017 in

Civil Appeal No.

2795-2797 of 2017)

3. 841 posts Direct

Recruitment

under process

vide

advertisement

of the year

2014. Recommendations will

be made by the

Commission by

October 2017.

Police verification

and appointment will

be completed by

December 2017.

4. 1734 posts Direct

recruitment to

be advertised. Advertisement to be

issued in July 2017.

Appointments to be

completed by October

2018.

2. Steno Sub-Inspector (Vacancies: 17 posts)

By direct recruitment to be completed by July 2018

3. Steno Assistant Sub-Inspector (Vacancies: 174 posts)

87 posts By direct recruitment by July 2018

87 posts By recruitment through Limited Examination to be completed by July 2018.

4. Typist Assistant Sub Inspector (Vacancies: 155 posts)

77 posts By direct recruitment by July 2018

78 posts By recruitment through Limited Examination to be completed by July 2018.

5. Constable (Vacancy: 18031 posts)

Constable (Computer/Wireless), Trade Ranks: (Vacancy: 416 posts)

Total Vacancies: 18447 posts.

10,000 posts To be filled up by direct recruitment by May 2018.

10,000 posts To be filled up by direct

3

(including vacancies arising out of promotions and other reasons) recruitment by February

2019.

Vacancies to be

ascertained in the year

2019 (due to promotions,

retirement, death or

newly created posts) To be filled up by direct

recruitment by February

2020.

6. Armourer Constables (Vacancies: 71 posts)

By direct recruitment to be completed by April 2018.

7. Driver Constables (Vacancies: 2230 posts).

1. 1577

posts Direct Recruitment

under process vide

advertisement of the

year 2016. Recruitment to be

completed by October

2017.

2. 653

posts Direct Recruitment

to be advertised Advertisement to be

issued by August 2017.

Recruitments to be

completed by July

2018.

8. Reserve Sub-Inspectors (Sergeant): (Vacancies: 214)

All posts advertised.

Appointments to be completed by December 2017.

2. It is apparent from the material furnished to us, that the posts in the rank of Sub-Inspectors of Police, already advertised, are to be filled up by the Bihar Staff Selection Commission, Bihar, and the posts which have yet to be advertised, will be filled up by the Bihar Police Subordinate Services Commission, Bihar. It is further submitted, that the posts of Constables and equivalent, will be filled up by the Central Selection Board (Constables Recruitment), Bihar. We therefore hereby direct, the selecting agencies to fill up the vacancies in terms of the undertaking given to this Court, as has been extracted

4

hereinabove. Needless to mention, that the Principal Secretary, Home Department, Government of Bihar, and the Director General of Police, Bihar, shall monitor the selection process, and ensure the

compliance of the time lines expressed in the affidavit filed before this Court.

3. Insofar as the posts in the rank of Deputy Superintendent of Police are concerned, the position adopted is as under:

9. Bihar Police Service: (Vacancies: 151 posts)

121 posts requisitioned and advertised by the Bihar Public Service Commission in 2014. Main Examinations are over.

30 posts requisitioned and advertised by the Bihar Public Service Commission in 2016. Preliminary Examinations are over.

Bihar Public Service Commission has been requested to expedite the process and make selection in as short time as possible vide letter dated 27.4.2017.

4. It is pointed out, that the selection to the rank of Deputy Superintendent of Police has to be made by the Bihar Public Service Commission. It is pointed out, that out of the 151 direct recruit vacancies, 121 posts were requisitioned by the State Government, for which the Bihar Public Service Commission issued an advertisement in 2014. It is pointed out, that after holding the preliminary examination, even the main examination has been conducted. Since the main examination has already been held, we hope and expect that the result thereof will be declared at the earliest, and the interview/viva voce, will be conducted and completed, within the year 2017.

5

5. In addition to the requisitioned vacancies, referred to above, it is pointed out, that requisition for filling up 30 remaining vacancies in the rank of Deputy Superintendent of Police has already been forwarded by the State Government, to the Bihar Public Service Commission, which has already issued an advertisement therefor. It is pointed out, that even the preliminary examination for 30 vacancies has been conducted. We hope and expect, that the Bihar Public Service Commission shall not only complete the process of selection with reference to the 121 posts advertised earlier, but also with reference to the 30 posts advertised in the year 2016, at the earliest.

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

7. We appreciate the personal presence of Mr. Jitendra Kumar, Special Secretary, Home Department, Government of Bihar for assisting this Court. His personal presence is dispensed with hereafter.

State of Haryana

1. Mr. Nitin Kumar Yadav, Secretary (Home), Government of Haryana is present in Court in person. He has assisted Mr. Anil Grover, Additional Advocate General, to narrate the manner in which vacancies in the different ranks of the police department, will be so filled up. An additional affidavit dated 04.05.2017 has also been furnished to us. The same is taken on record. The tentative

6

schedule of the State Government, for the recruitment process for all ranks, brought to our notice, is as under:

1. Publication of Advertisements of Post for calling Online Applications, if not advertised already or to be re-advertised as per clarification, if any. 15.6.2017

2. Starting Date of Application 20.6.2017

3. Closing Date of Application 20.7.2017

4. Holding of Knowledge Test (Written Test) 20.8.2017,

27.8.2017,

3.9.2017,

10.9.2017

5. Uploading of Answer key on Website for calling objections

from candidates 10.10.2017

6. Declaration of KT(Written Test)

Result 10.11.2017

7. Physical Measurement Test (PMT) 10.12.2018

to onwards

8. Physical Screening Test 7.1.2018

9. Scrutiny of Documents 25.1.2018

10. Interview â cum â Personality test 25.2.2018

to onwards

11 Declaration of Final Result 26.3.2018

12. Recommendations send to department 5.4.2018

Note: - This proposed Schedule is subject to having no legal litigation or any other policy issue from time to time.

Based on the aforesaid tentative schedule, it is undertaken, that but for any unforeseen eventuality, all selections and appointments will be made in accordance with the schedule provided to this Court. We take on record the statement of Mr. Nitin Kumar Yadav, Secretary (Home), Government of Haryana.

2. It is pointed out, that there are five vacancies in the

7

rank of Deputy Superintendent of Police. It is asserted, that the afore-stated vacancies are to be filled up through the Haryana Public Service Commission. We are informed, that in the next process of selection by direct recruitment of Class I and II services, in the State Government Services, the five vacancies in the rank of Deputy Superintendent of Police will also be taken up for being filled up collectively. The above position, brought to our notice, in respect of filling up of the five vacancies in the rank of Deputy Superintendent of Police, is also taken on record.

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

4. We record our appreciation, for the manner in which the State of Haryana has demonstrated its eagerness, to fill up vacancies of police personnel, in the State. Mr. Nitin Kumar Yadav, Secretary (Home), Government of Haryana, shall supervise and ensure that all the vacancies are filled up within the time lines indicated hereinabove.

STATE OF MADHYA PRADESH

1. The position depicted to us during the course of hearing, by the learned Additional Advocate General (representing the State of Madhya Pradesh), and Mrs. Madhu Khare, Secretary(Home), Government of Madhya Pradesh and Mrs. Pragya Richa Srivastav, Additional Director General (Selection) depicts, that the vacancies of police personnel at different ranks to be filled up by direct

8

recruitment have been taken up, and the position has been explained in a chart, which is extracted below:

Police Vacancy Position in Madhya Pradesh

Name of

Post Sanctioned Filled

Up Vacant Steps taken/ to be taken for filling

Constable 66902 53130 12962 Recruitment done for 12000.

7357 after character

verification already

sent for training.

Character

verification for

4643 remains, which

require 6 months.

Thereafter to be

sent for training.

Sub-Inspector 7342 5859 1483 849 filled up. 634 remain. The Professional Examination Board to conduct exam in Oct. 2017. Process expected to be completed by 31.3.2018. DSP 1009 777 232 Recruitment of 56 is complete. To be sent on training within 3 months. For 50, PSC has declared results. Process likely to be completed by December 2017. For 50, the PSC is conducting Main Exam. Interview to be conducted thereafter. Process

9 likely to be completed by May 2018. For 45, PSC to conduct exam in 2017. The Preliminary Exam has been conducted. The process is likely to be completed by December 2018. For 31, the PSC has not made requisition to State Government. IPS 305 253 52 To be filled up by Central Government through UPSC.

The aforesaid chart is taken on record.

2. We place on record our appreciation for the manner in which the State of Madhya Pradesh, has taken up the task for filling up vacancies of police personnel. We hope and expect that the time lines indicated in the chart given to us during the course of hearing will be duly complied with. Mrs. Madhu Khare, Secretary(Home), Government of Madhya Pradesh and Mrs. Pragya Richa Srivastav, Additional Director General (Selection), Government of Madhya Pradesh will supervise and ensure, that all the vacancies are filled up in the time lines indicated in the chart, extracted above. Their personal presence is dispensed with hereinafter.

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

10

State of Chhattisgarh

1. Ms. Bansuri Swaraj, Advocate has been assisted by Shri Arun Dev Gautam, Secretary (Home), Government of Chhattisgarh, and Mr. Sanjay Pillai, Additional Director of Police (Administration), to narrate the details of the vacancy position, in respect of posts of different ranks of police personnel, which are to be filled up by way of direct recruitment. Details provided to us reveal the following. In Chhattisgarh Police, 60,906 police personnel are

available against sanctioned strength of 73,544. Vacancies as on 31 st

January, 2017 were 12,638 out of which 9,329 are to be filled up by direct recruitment, and 3,309 are to be filled up by promotion. Out of 9,329 direct recruitment vacant posts, 3,715 candidates have been recruited in last 04 months. The recruitment to 1,720 posts of Auxiliary Constables has not been made taking into consideration the increased force level in DEF & CAF. The remaining 3,894 posts of direct recruitment, we are assured, will be filled by March, 2018.

2. An undertaking has been given to us by the learned counsel, based on the instructions received by her from the officers assisting her, that all the vacancies of police personnel which are to be filled up by way of direct recruitment (at different ranks), will be filled up by March, 2018. The afore-stated statement is taken on record. We also hereby direct

11

Mr. Arun Dev Gautam, Secretary(Home), Government of Chhattisgarh and Mr. Sanjay Pillai, Additional Director of Police (Administration) to supervise the filling up of the vacancies referred to above, and to ensure that the time lines indicated to this Court, for filling up of vacancies of police personnel, are complied with in letter and spirit.

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

4. We appreciate the personal presence of Mr. Arun Dev Gautam, Secretary (Home), Government of Chhattisgarh and Mr. Sanjay Pillai, Additional Director General of Police (Administration), for assisting this Court. Their personal presence is dispensed with hereafter.

The three States with the next largest number of vacancies in the police department are:

Assam - 12082

Maharashtra - 11603

Orissa - 9634

We hereby direct, the Home Secretaries of the aforesaid 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

12

for filling up the vacancies of police personnel.
Post for further consideration on 09.05.2017.

â- |.....CJI

[JAGDISH SINGH KHEHAR]

â- |.....J.

[Dr. D.Y. CHANDRACHUD]

NEW DELHI; â- |.....J.

MAY 05, 2017. [SANJAY KISHAN KAUL]

13

ITEM NO.34

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 and impleadment)

Date : 05/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Manish Kumar, in person

For Respondent(s) Mr. Amrendra Sharan, Sr. Adv.
(State of Bihar) Mr. Rudreshwar Singh, Adv.
Mr. Vivek Vardhan, Adv.
Mr. Gautam Singh, Adv.
Ms. Isha Singh, Adv.
Ms. Snehil Sonam, Adv.
for Mr. Samir Ali Khan, AOR
State of Haryana Mr. Anil Grover, AAG
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, Adv.
State of Madhya Mr. Purushaindra Kaurav, AAG
Pradesh Mr. Mishra Saurabh, Adv.
Ms. Anuradha Mishra, Adv.
Mr. Ankit Kr. Lal, Adv.
State of Ms. Bansuri Swaraj, Adv.
Chhattisgarh Mr. C.D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.
Mr. Prateek Ruia, Adv.
Ms. Urvashi Bandhu, Adv.
Mr. Rajeev Nanda, Adv.
NCT of Delhi Mr. Ajay Kumar Singh, Adv.
Ms. Sushma Manchanda, Adv.
for Mr. B.K. Prasad, AOR

14

UOI Mr. R.R. Rajesh, Adv.
for Mr. Raj Bahadur, AOR
Mr. Aviral Saxena, Adv.
for Mr. R.P. Mehrotra, AOR
Mr. M. Yogesh Kanna, Adv.
Ms. Nithya, Adv.
Mrs. Maha Lakshmi, Adv.
Mr. Partha Sarathi, Adv.
Mr. Tapes Kumar Singh, AOR
Mr. C.K. Ganguli, AOR
Mr. V.N. Raghupathy, AOR
Mr. Shuvodeep Roy, Adv.
Mr. Sayooj Mohandas M, Adv.
Ms. Mamta Singh, Adv.
Ms. Puja Singh, Adv.
Ms. Sakshi Banga, Adv.
for Ms. Hemantika Wahi, AOR
Mr. Mrityunjai Singh, Adv.
for Mr. S. Udaya Kumar Sagar, AOR
Mr. Milind Kumar, AOR
Mr. Guntur Prabhakar, AOR

Ms. Aruna Mathur, Adv.
for M/s Arputham Aruna & Co.

Mr. V. G. Pragasa, AOR
Mr. S. Prabu Ramasubramanian, Adv.

Mr. D.K. Thakur, AAG
for Mr. Varinder Kumar Sharma, AOR

Mr. M. Shoeb Alam, Adv.
Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.
Mr. Pragyan Sharma, Adv.
Mr. Shikhar Garg, Adv.
for Mr. P. V. Yogeswaran, AOR
Mr. Nishant R. Katneshwarkar, Adv.

15

Mr. Ashok Kumar Singh, AOR
Mr. Kuldip Singh, AOR
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. Edward Belho, adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikand Michael, Adv.
Ms. Elix Gangmei, Adv.
Mr. Z.H. Isaac Haiding, Adv.

Mr. Krishnayan Sen, Adv.
Ms. Asiya Khan, Adv.
Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, 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 Bihar, Haryana, Madhya Pradesh and Chhattisgarh be dealt with, in the manner indicated in the signed order. The three States with the next largest number of vacancies in the police department are:

Assam - 12082

Maharashtra - 11603

Orissa - 9634

We hereby direct, the Home Secretaries of the aforesaid 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

16
for filling up the vacancies of police personnel.
Post for further consideration on 09.05.2017.

(Renuka Sadana) (Parveen Kumar)

Assistant Registrar

AR-cum-PS

[signed order is placed on the file]