

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 Jharkhand

1. It is submitted, that the cadre of Constables and equivalent posts (District Police) comprises of 37,694 sanctioned posts, and the cadre of Constables and equivalent posts (Jharkhand Armed Police & Indian Reserve Battalion) comprises of 15,249 sanctioned posts. Thus viewed, the total sanctioned strength of Constables in the State of Jharkhand is 52,943. The State Government has taken a decision to reduce the cadre of Constables and equivalent posts (District Police) by 4995 posts, and the cadre of Constables and equivalent posts (Jharkhand Armed Police & Indian Reserve Battalion) by 1153 posts, i.e., by a total of 6148 posts. Thus viewed, the total sanctioned strength of Constables of the different cadres would add up to 46,795 posts.

2. Out of the above sanctioned posts, 26,200 posts of Constables (District Police), we are informed, have already been filled up, and another 10,436 posts of Constables and equivalent posts (Jharkhand Armed Police & Indian Reserve Battalion) have also been filled up. Resultantly, as of now, there are 11,494 vacancies

in the cadre of Constables and equivalent posts (District Police) and 4813 vacancies in the cadre of Constables and equivalent posts (Jharkhand Armed Police & Indian Reserve Battalion), i.e., a total of 16,307 posts. The intention of the State Government to reduce 6148 cadre posts of Constables, would leave 10,159 vacancies in the cadre of Constables.

3. It was submitted, that as against the aforesaid vacancies, the Jharkhand Staff Selection Commission, has already commenced the selection process for filling up 7,272 posts of Constables, which is stated to be at the final stage. On filling up the 7,272 posts, the remaining vacancies to be filled up in the cadre of Constables will be reduced to 2,887. It is pointed out, that as against the aforesaid remaining vacancies, a requisition for filling up of 2,810 vacant posts of Constables, has been sent by the State Government to the Jharkhand Staff Selection Commission on 15.03.2017. It is submitted, that the aforesaid selection process, will positively commence in the month of July, 2017 and will be completed by July, 2018. On the finalisation of the aforesaid selection process, there would be only 77 remaining vacancies of Constables. The process for filling up of 77 remaining vacancies, and any further vacancy which may arise in the meantime, will be taken up immediately after the selection process for 2,810 posts is over, and will be completed within next one year, i.e., by July, 2019.

4. It is pointed out, that recruitment to the rank of Sub-Inspector of Police is made both by direct recruitment, as well as, by promotion. It is submitted, that the cadre of Sub-Inspector

of Police comprises of 7,340 sanctioned posts, out of which 2,329 Sub-Inspector of Police are in place, leaving 5,011 vacancies of Sub-Inspector of Police. It is submitted, that  $2,483+488+46 = 3,017$  posts of Sub-Inspector of Police are to be filled up by direct recruitment. Insofar as 2,483 vacancies in the cadre of Sub-Inspector of Police to be filled up by way of direct recruitment are concerned, it is submitted, that a requisition for filling up of the said posts was made by the State Government on 7.4.2017, and the list of selected candidates is likely to be submitted by the Jharkhand Staff Selection Commission by May, 2018. On completion of one year's training, the above 2,483 selected and trained candidates will be available for appointment on regular basis by May, 2019.

5. As against 488 vacancies in the rank of Sub-Inspector of Police are concerned, it was submitted, that the State Government will make a requisition to the Jharkhand Staff Selection Commission, within one week from today, and the process of selection is likely to be completed by the above Commission within one year thereafter, i.e., positively by May, 2018. The selected candidates would be required to undergo training for a period of one year, whereupon they would be available for appointment on regular basis as Sub-Inspectors of Police.

6. Insofar as 46 posts in the rank of Sub-Inspector of Police are concerned, it is submitted, that these posts are in the designation of Sergeant. It is submitted, that the rules for appointment against the aforesaid 46 vacancies are under preparation. It is pointed out, that the aforesaid rules will be

finalised by May, 2017. Whereupon, a requisition will be made to the Jharkhand Staff Selection Commission by July, 2017. The process of selection to the 46 vacancies, we are informed, will be completed by July, 2018. And after one year's training the selected candidates will be available for appointment on regular basis as Sub-Inspectors of Police, by July 2019.

7. Based on the process of direct recruitment, referred to hereinabove, it is asserted, that 3,017 posts in the cadre of Sub-Inspector of Police, out of a total of 5,011 posts in the rank of Sub-Inspector of Police, will be duly filled up. It is pointed out, that out of the remaining 1994 posts of Sub-Inspector of Police, 1,697 posts are to be filled up by way of limited departmental competitive examination, to be conducted by the Jharkhand Staff Selection Commission (the balance 297 posts, are to be filled up by promotion). It is submitted, that the rules for filling up of vacancies of Sub-Inspector of Police, through limited departmental competitive examination, are being finalised, and that, the rules will be finalised by July, 2017. Thereafter, the selection process will be completed by the Jharkhand Staff Selection Commission by November, 2017. It is pointed out, that the selected candidates (for the posts of Sub-Inspector of Police through the limited departmental competitive examination), have to undergo training for a period of eight months, and as such, candidates found suitable for promotion in November, 2017, will be deputed for training for a period of eight months, which will be completed by July, 2018. It is therefore submitted, that all vacancies in the rank of Sub-Inspector of Police will be filled up

in the manner indicated hereinabove, and most definitely, by the period indicated hereinabove.

8. Last of all, reference was made to the cadre of Deputy Superintendent of Police (for short 'DSP') in the State of Jharkhand. It was submitted, that posts of DSP have to be filled up by the Jharkhand Public Service Commission. It was pointed out, that out of a cadre strength of 313 posts, 241 posts in the rank of DSP are duly occupied, and that only 10 posts of DSP have to be filled up by way of direct recruitment. The remaining 62 vacancies, we are informed, are to be filled up by way of promotion. It is submitted, that a requisition for filling up 10 posts of DSP, has already been made by the State Government to the Jharkhand Public Service Commission, on 20.09.2016. It is submitted, that the preliminary examination has already been conducted, and the main examination is to be held in May/June, 2017, whereafter, the selection process is likely to take 18 to 24 months.

9. It is pointed out, that the remaining 62 vacancies in the rank of DSP, which are to be filled up by way of promotion, are stuck up on account of pending litigation, before the High Court of Jharkhand, and the same will be resumed, as soon as the writ petition is disposed of.

10. The chart, on the basis of which the instant order has been passed, with reference to filling up of vacancies of police personnel in the State of Jharkhand, was furnished to this Court by Mr. Sudhir Kumar G. Rahate, Principal Secretary (Home, Prisons & Disaster Management), State of Jharkhand. The instant order has been passed on the basis of assistance rendered to this Court by

Mr. Tapesh Kumar Singh, Advocate (standing counsel for the State of Jharkhand). In case, the factual position indicated and recorded hereinabove, needs any correction, the Principal Secretary (Home, Prisons & Disaster Management), State of Jharkhand, is given liberty to move an appropriate application to have the same corrected, failing which the manner and time lines for filling up of vacancies of police personnel in the State of Jharkhand shall be as indicated hereinabove, and in case of any breach of the time lines, the Principal Secretary, referred to above, shall be responsible.

11. The instant order be also communicated to the concerned Chairman of the Jharkhand Staff Selection Commission and the Jharkhand Public Service Commission, indicating their liability for filling up vacancies, as mentioned above. In case of any deviation, liberty is given to them to move appropriate application to this Court, for modifying the order.

.....CJI  
[JAGDISH SINGH KHEHAR]

.....J.  
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;  
MAY 03, 2017.

.....J.  
[SANJAY KISHAN KAUL]



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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  
 State of Jharkhand be dealt with, in the manner indicated in the  
 signed order.

Post for further consideration on 04.05.2017.

(Renuka Sadana)  
 Assistant Registrar

(Parveen Kumar)  
 AR-cum-PS

[signed order is placed on the file]