

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C)NO.183 of 2013

MANISH KUMAR

.....PETITIONER

VERSUS

UNION OF INDIA AND ORS.

.....RESPONDENTS

O R D E R

State of Gujarat

1. Mrs.Hemantika Wahi, learned counsel representing the State of Gujarat states, that the Police Recruitment Board has completed recruitment process of 17,324 police personnel (Civil Police - 13,000 constables, S.R.P.Police - 3,780, ASI-200, PSI-220 and S.R.P. PSI-124) on 18th April, 2017 and the necessary orders will be issued before 31st May, 2017.

2. Having completed the recruitment process upto 31.05.2017, it is submitted, that the following vacancies of police personnel would remain unfilled after 31.05.2017:

DETAILS OF NUMBER OF VACANCIES OF POLICE PERSONNEL IN THE GUJARAT STATE AS ON DATE 31/01/2017						
Sr.N o.	Name of the Post	SANCTIONED STRENGTH	PRESENT STRENGTH	VACANCY as on 31-1-17	recruitment	VACANCY after 31-5-17
1	Unarmed PSI	3102	1920	1182	220	962
2	Unarmed Police	29702	19191	10511	10847	336

	Constable					
3	Armed Police Constable	20103	13104	6999	1700	5299
4	Woman Police Constable	3707	3254	453	453	0
5	Armed PSI (SRP)	975	613	362	124	238
6	Armed Police Constable (S RP)	16438	13600	2838	3780	-942

3. It is submitted, on instructions from Mr. Manoj Aggarwal, Secretary, Department of Home, Government of Gujarat, that all the vacancies of police personnel, indicated in the chart extracted hereinabove, would be filled up, after completing the process of selection, on or before 31.08.2018.

4. Besides the vacancies in the different ranks of police personnel mentioned hereinabove, it is submitted, that there are 23 vacant posts of Dy. Superintendent of Police (Unarmed), Class-1. It is submitted, that the selection of Dy. Superintendent of Police is conducted by the Gujarat Public Service Commission. It is pointed out, that out of 23 vacancies in the said cadre, 21 vacancies were advertised on 10.06.2014, and the process of selection has reached the stage of interview. It is submitted, that the selected candidates will be available by direct recruitment, by 31.08.2017.

5. It is submitted, that a requisition of a further 28 anticipated vacancies in the cadre of Dy. Superintendent of Police, is also under the process of selection. In this behalf, the Court was informed, that an advertisement for the same was issued by the

Gujarat Public Service Commission, on 15.03.2017. It is accordingly brought out, that all the vacancies in the cadre of Dy.Superintendent of Police will be filled up when the aforesaid selection process is completed in December, 2018.

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 take on record the vacancy position in the different ranks of police personnel in the State of Gujarat, as also, the procedure indicated to us for filling up the same. Mr.Manoj Aggarwal, Secretary, Department of Home, State of Gujarat, who has entered appearance before us today, shall supervise and ensure, that the selections and appointments are carried out in terms of the statement recorded hereinabove.

State of Telangana

8. The statement made to this Court with reference to the existing vacancies of police personnel of all ranks, depicted in paragraph 10 of the affidavit filed before us is extracted below:

"10. Further the leftover vacancies after the completion of the present recruitment process will be $17504-9862-518=7124$. The 7124 vacancies will be filled up by both direct recruitment and by effecting promotions. A proposal for filling up vacancies by direct recruitment will be submitted to the Government immediately after this recruitment process is over and upon receiving the required permission from the Government, the recruitment process will be completed in a time bound manner. The promotional posts will be filled up in the regular process by conducting the pre-promotional training (PPT) programmes and giving promotions to personnel who successfully pass in the PPT programmes."

9. Out of 7,124 vacancies, it is submitted, that 6,432 are vacancies of the rank of constable, 512 vacancies are of the rank of Sub-Inspector. We are informed, that all the vacancies in all ranks, other than 7,124 police personnel, will be filled up on or before 01.09.2017. Out of remaining 7,124 vacancies, all vacancies in the ranks of Constable and Sub-Inspector will be filled up by 31.03.2019.

10. Insofar as the rank of Dy.Superintendent of Police, it is submitted, that the aforesaid recruitment is conducted by the Telangana Public Service Commission. It is however pointed out, that it is not possible for the State Government to carry out the exercise of filling up of the vacancies of Dy.Superintendent of Police because the vacancy position itself is not clear, inasmuch as, the final allocation on account of re-organisation of the erstwhile state of Andhra Pradesh, has not yet been done.

11. 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.

12. The vacancy position, as well as, the time lines to fill up the same, have been brought to our notice by Mr.Rajiv Trivedi, IPS, Principal Secretary, Home. He shall ensure the supervision of filling up of the first lot of vacancies by 01.09.2017, and the second lot of vacancies by 31.03.2019, in terms of the undertaking given to this Court, as has been recorded hereinabove.

State of Rajasthan

13. Mr.Surendra Maheshwari, Joint Secretary, Home Department, Government of Rajasthan is present in Court in person. He has pointed out the following factual position to us:

S.No.	POST	Working Plan for filling up of Gazetted and Non Gazetted Vacant Posts i.e. 15701 Posts
1	<p style="text-align: center;">Deputy SP Vacant Post 157 Direct Recruitment+Promotion</p> <hr/>	<p>Under this category of RPS (Rajasthan Police Service) (Dy.SP), 50% Vacant Posts are filled up by Direct Recruitment and 50% by Promotion</p> <p>The position of Posts by direct recruitment are as follows:-</p> <ol style="list-style-type: none"> 1. For the 46 Vacant Posts RPSC has completed examination and declared the result. Issuing of Appointment Letter is under process & will be completed by the 30th September, 2017. 2. For the 67 Vacant Posts the examination has been completed by RPSC and result is awaited. Likely the whole process to be completed by 31 March, 2018. <p>Promotion:-</p> <ol style="list-style-type: none"> 3. The remaining 44 vacancies are to be filled by Promotion of Police Inspectors & DPC will be convened & Completed by 30 September 2017.
2	<p>Sub Inspector Vacant posts -1339 By Direct Recruitmnt (670 Posts)+ Promotion (669 Posts)</p>	<p>BY DIRECT RECRUITMENT (670 POSTS):</p> <p>Sub Inspector (Direct Recruitment 330 posts): Rajasthan Public Service Commission, Ajmer has already obtained applications through advertisement. Conduct of examination by RPSC is under process and the whole selection process will be completed by 31 March 2018.</p>

		<p>Filling up of 34 post of sports quota in Sub Inspector cadre is under process. Selection Board has been constituted and will be completed by 31 December 2017.</p> <p>The remaining posts of 306 under direct recruitment in this category will be filled by 31 March 2019.</p> <p>BY PROMOTION (669 Posts):</p> <p>For promotion posts of SI through ASI, for 97 posts selection board is constituted and process will be completed by 30 November 2017.</p> <p>For the 268 posts, Promotion Procedure will be completed by 31 March 2018.</p> <p>109 are Deputation Posts which will be filled 31 December 2017.</p> <p>Remaining posts of 195 are vacant due to court cases & other reasons and the Department shall try to fill these also by 31 March 2018.</p>
3.	<p>Constable</p> <p>Vacant posts-7827</p> <p>By Direct Recruitment</p>	<p>It is our Budget Announcement for the year 2017-18 that 5,500 Constables will be recruited in this Financial Year. The recruitment procedure is under process and will be completed by the end of this financial year i.e. 31 March 2018.</p> <p>Remaining vacant posts of 2327 will be filled by the end of 31 March 2019.</p>

14. An assurance has been given to us by Mr.Surendra Maheshwari, Joint Secretary, Home Department, Government of Rajasthan, that the vacant posts in the different ranks of police personnel, as has been indicated hereinabove, will be filled up within the time lines indicated above.

15. A copy of this order, be furnished to Rajasthan Public Service Commission, requiring it to ensure the compliance of the time schedule, indicated in the affidavit, filed before this Court.

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

17. A perusal of the details furnished to us reveals, that 30% of the vacancies to be filled up by direct recruitment will be filled up by the end of this year, and another 50% of vacancies will be filled up by 31.03.2018, and all the remaining vacancies will be filled up by 31.03.2019. The statement made to this Court is taken on record. Mr.Surendra Maheshwari, Joint Secretary, Home Department, Government of Rajasthan shall be personally responsible for supervising the selection and appointment of police personnel, as has been indicated hereinabove.

Haryana, Madhya Pradesh and Chhatisgarh

18. In addition to the States with reference to which orders have already been passed by us, the three States with the next largest number of vacancies are:

Haryana	-	15163
Madhya Pradesh	-	14729
Chhattisgarh	-	12638

19. Orders will be passed with reference to the above States including the State of Bihar on 05.05.2017. It is accordingly directed, that the Home Secretaries of the States, referred to

above, shall be available to assist this Court personally. They may nominate an officer of the department, not below the rank of Joint Secretary, to prepare a definite road map for filling up the posts of police personnel, in the respective States.

20. Post for hearing on 05.05.2017.

.....CJI.
(JAGDISH SINGH KHEHAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

.....J.
(SANJAY KISHAN KAUL)

NEW DELHI;
MAY 4, 2017.

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
R E C O R D O F P R O C E E D I N G S

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)
(For final disposal)

Date : 04/05/2017 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) Petitioner-in-person

For Respondent(s) Mr.Maninder Singh, ASG
Dr.Abhishek Atrey, Adv.
Ms.Sushma Manchanda, Adv.
Mr.Sudhir Walia, Adv.
Mr.Ajay Singh, Adv.
Mr.M.K.Maroria, Adv.
Mr. B. Krishna Prasad, Adv.

Ms.Sunita Sharma, Adv.
Mr.R.R.Rajesh, Adv.
Mr.Raj Bahadur, Adv.
Mr. B. Krishna Prasad, Adv.

Mr.Anil Grover, AAG
Ms.Noopur Singhal, Adv.
Mr.Sandeep Yadav, Adv.
Mr. Sanjay Kumar Visen, Adv.

Mr.Dinesh Kumar Thakur, AAG
Mr.Sariq Ahmad, Adv.
Mr. Varinder Kumar Sharma, Adv.

Mr.Shiv Mangal Sharma, AAG
Mr.Puneet Parihar, Adv.
Mr.Arjun Singh, Adv.

Mr.Sanchar Anand, AAG
Mr.Apoorv Singhal, Adv.
Mr.Rajiv Singhal, Adv.

Mr. Gopal Singh, Adv.
Mr.Rituraj Biswas, Adv.
Ms.Varsha Poddar, Adv.

Mr. Guntur Prabhakar, Adv.

Ms. Hemantika Wahi, Adv.
Mr.Manoj Aggarwal, Adv.

Ms.Aruna Mathur, Adv.
Mr.Avneesh Arputham, Adv.
Ms.Anuradha Arputham, Adv.
Mr.Amit Arora, Adv.
For M/s Arputham Aruna & Co., Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. V. G. Pragasan, Adv.
Mr.Prabu Ramasurbamanian, Adv.

Mr.Sapam Biswajit Meitei, Adv.
Mr. Ashok Kumar Singh, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Mr.Mrityunjai Singh, Adv.

Mr. Anil Shrivastav, Adv.
Mr.Rituraj Biswas, Adv.

Mr. V. N. Raghupathy, Adv.

Mr. Chanchal Kumar Ganguli, Adv.

Mr.Aviral Saxena, Adv.
Mr. Ravi Prakash Mehrotra, Adv.

Mr.Pragyan Sharma, Adv.
Mr.Shikhar Garg, Adv.
Mr.Ganesh Bapu, Adv.
Mr. P. V. Yogeswaran, Adv.

Mr. Kuldip Singh, Adv.

Mr. Rajiv Nanda, Adv.

Mr. Tapesb Kumar Singh, Adv.
Mr. Aditya Pratap Singh, Adv.
Mohd. Waquas, Adv.

Mr. Samir Ali Khan, Adv.

Mr. Sudarshan Singh Rawat, Adv.

Mr. Shuvodeep Roy, Adv.
Mr. Sayooj Mohandas M., Adv.

Mr. Nishant Katneshwarkar, Adv.
Mr. Arpit Rai, Adv.

Mr. Mishra Saurabh, Adv.
Mr. Bhupesh Narula, Adv.
Mr. K. V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

Mr. M. Yogesh Kanna, Adv.
Ms. Nithya, Adv.
Mrs. Maha Lakshmi, Adv.
Mr. Partha Sarathi, Adv.

Mr. Shishir Deshpande, Adv.
Ms. Ruchira Gupta, Adv.
Mr. Santosh Salvador Rebello, Adv.
Mr. Anurag Sharma, Adv.

Ms. K. Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Ms. Elix Gangmei, Adv.
Mr. Z. H. Isaac Haiding, Adv.

Mr. M. Shoeb Alam, Adv.
Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Majahid Karim Khan, Adv.

Mr. Krishnayan Sen, Adv.
Ms. Asiya Khan, Adv.

Mr. Mukesh Kumar Maroria, Adv.

Upon hearing the counsel the Court made the following
O R D E R

The filling up of vacancies of police personnel in the

States of Gujarat, Telangana and Rajasthan be dealt with, in the manner indicated in the signed order.

In addition to the States with reference to which orders have already been passed by us, the three States with the next largest number of vacancies are:

Haryana	-	15163
Madhya Pradesh	-	14729
Chhattisgarh	-	12638

Orders will be passed with reference to the above States including the State of Bihar on 05.05.2017. It is accordingly directed, that the Home Secretaries of the States, referred to above, shall be available to assist this Court personally. They may nominate an officer of the department, not below the rank of Joint Secretary, to prepare a definite road map for filling up the posts of police personnel, in the respective States.

Post for hearing on 05.05.2017.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)