

ITEM NO.5

COURT NO.5

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 12569/2018

(Arising out of impugned final judgment and order dated 16-02-2018 in WC No. 6128/2018 passed by the High Court of Judicature at Allahabad)

RAJENDRA SINGH & ORS.

Petitioner(s)

VERSUS

THE STATE OF U.P. & ORS.

Respondent(s)

(IA No.70481/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS, I.A. NO.72530/2018 - APPLICATION FOR IMPLEADMENT AS PETITIONERS)

Date : 13-06-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE DEEPAK GUPTA
(VACATION BENCH)

For Petitioner(s) Mr. Jitendra Bharti, Adv.
Mr. Naushad Alam, Adv.
Mr. Deepak Goel, AOR

For Respondent(s) Mr. V. Shekhar, Sr. Adv.
Mr. Pradeep Misra, Adv.

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

1. Order dated 24th April, 2017 passed by this Court in Writ Petition (Civil) No.183 of 2013, as regards State of Uttar Pradesh recorded as under:-

"2. Insofar as the posts of Constables of Police are concerned, which are also to be filled up by direct recruitment, it was submitted, that 30000 Constables will be recruited annually for four years, i.e., during the years 2017, 2018, 2019 and 2020. The

annual process of issuing the advertisement, notifying the vacancies will be published in August every year. The results thereof will be declared in June of the following year. For each process of selection, training will commence in the month of October in the year of the declaration of the result, and the training process will conclude in the month of September of the next following year.

3. We hereby approve the recruitment process for selection of direct recruits, at the level of Sub-Inspector of Police, as also, that of Constables of Police."

2. It has been stated at the bar that the last selection for the posts of Constables of Police in State of Uttar Pradesh through the Selection Board was undertaken in the year 2015. In spite of the statement so recorded in the aforesaid order, no selection was undertaken in the year 2017. Apparently, the process for making appropriate modifications in the Rules was underway. The advertisement was thereafter issued on 14.01.2018 which is annexed at Page No.65 of the paper-book.

3. Rule 10 of the Uttar Pradesh Police Constable and Head Constable Services Rules, 2015 stipulates that for direct recruitment for the post of constable, male candidates must have attained the age of 18 years and must not have attained the age of 22 years on the day of 1st July of the calendar year in which the vacancies for direct recruitment are advertised. Since the advertisement in question was issued on 14.01.2018, the reckonable

date for the purpose of Rule 10 is to be 01.07.2018.

4. The grievance raised by the petitioners is - that the prescribed age limit of not less than 18 years and not more than 22 years is such a short period that if the selections are not undertaken on year to year basis the concerned candidates are bound to be prejudiced. It is their submission that since a representation was made, which was duly recorded in the order quoted hereinabove that selection would be undertaken in the year 2017, an advertisement ought to have been issued in that year itself. However, since the advertisement was issued in January, 2018, going by the text of the Rules the reckoning date would be 01.07.2018. Since the last selection was in the year 2015 and if the reckoning date today is taken to be 01.07.2018 large body of candidates including the petitioners stand deprived of chance to compete. It is, therefore, submitted that since the selection was to be undertaken in the year 2017, in the fitness of things the reckoning date should be 01.07.2017. Resultantly, candidates including the petitioners would not become age barred for the purpose of being considered for selection. We see force in the submission and find that the grievance so raised merits consideration.

5. We, therefore, put to Mr. V. Shekhar, learned senior counsel representing State of Uttar Pradesh and asked him to take appropriate instructions in the matter so that the grievance raised by the petitioners could be appropriately addressed.

6. Mr. V. Shekhar, learned senior counsel after seeking instructions from Principal Secretary (Home), made following statement:-

- In the ensuing examination after the present selection, an exception shall be made in favour of such candidates who missed out merely because the date of reckoning for the present selection happens to be 01.07.2018 instead of 01.07.2017 and at least one more chance shall be given to such candidates to compete.

7. We record the statement and direct the State through its Principal Secretary (Home), to file an appropriate affidavit detailing out the facility to be afforded to such candidates. Said affidavit shall be filed within seven days from today and shall form part of the record. On the strength of the statement of Mr. V. Shekhar, learned senior counsel, we dispose of this special leave petition.

No further order is called for in the impleadment application.

Pending applications, if any, shall also stand disposed of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(JAGDISH CHANDER)
BRANCH OFFICER