
(2012) 01 AHC CK 0644
In the Allahabad High Court
Case No : WRIT - A No. - 1504 of 2012

Constable 693 Ap/Armorar Vinod Kumar Singh	APPELLANT
Vs	
State Of U.P. and Others	RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Police Act, 1861 — Section 2, 46(2)

Citation : (2012) 01 AHC CK 0644

Hon'ble Judges : V.K. Shukla, J

Bench : Single Bench

Advocate : S.K. Mishra, for the Appellant;

Final Decision : Dismissed

Judgement

Hon"ble V.K. Shukla, J.—In the present case petitioner intended for consideration of his candidature for being promoted as Sub-Inspector, but his claim has been non-suited on the ground that he did not possess requisite minimum eligibility criteria. Such decision was communicated to the petitioner vide communication dated 30.09.2011. At this juncture, petitioner has approached this Court. Learned counsel for the petitioner, Sri Rajiv Singh, holding brief of Sri S.K. Mishra, Advocate, contended with vehemence that in the present case vacancies are to be determined at long interval of time, as such claim of petitioner ought to be considered for promotion.

2. Countering the said submissions, learned standing counsel, on the other hand, has contended that once the petitioner is not fulfilling the minimum requisite eligibility criteria as provided for under the statutory provision, then no relief or reprieve can be granted to the petitioner.

3. After respective arguments have been advanced, factual situation, which has so emerged in the present case, is that in the State of U.P. Recruitment on the post of Sub-Inspector has to be made under the provisions of U.P. Sub-Inspector and Inspector (Civil Police) Service Rules, 2007 framed under sub-section (2) of

Section 46 read with Section 2 of the Police Act, 1861. Part III thereof talks of "Recruitment". Sub Rule 5 of the aforesaid Rules deals with the source of recruitment to the various categories of posts in the service; sub-rule (1) thereof provides that fifty percent posts would be filled up by direct recruitment through the Board; whereas sub-rule (2) provides that fifty percent of the posts would be filled up by way of promotion through the Board on the basis of departmental examination from amongst the Head Constables and Constables, who fulfill the following eligibility conditions:

(a) the incumbent must have completed three years service as such on the first day of the year of recruitment excluding the probation period; and

(b) he must not have attained the age of 40 years on the first day of the year of recruitment.

4. On the parameters aforequoted, factual situation of the present case is that the petitioner completed the probation period on 27.02.2006 and the year of recruitment is 2008. Thus, the petitioner did not possess the requisite minimum eligibility criteria of having completed three years substantive service to his credit on the first day of the year of recruitment, as such no relief or reprieve can be accorded to him, in the facts of the case. Consequently, writ petition is dismissed.