

(2010) 10 UK CK 0066

In the Uttarakhand High Court

Case No : Writ Petition No. 307 of 2010 (S/S)

C.P. Narendra Singh and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 27-10-2010

Acts Referred:

Citation : (2010) 10 UK CK 0066

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

Bench : Single Bench

Judgement

V.K. Bist, J.—Petitioner Nos. 1 to 3 are serving as Head Constable in Uttarakhand Police while the other petitioners are serving as Constable in Uttarakhand Police since last several years. All the petitioners are eligible to participate in the Sub Inspector (Rankers) Examination. On 22.12.2008 Director General of Police—respondent No. 3 issued a notification whereby applications were invited from eligible Head Constables/Constables serving in Uttarakhand Police for participating in the selection process for Sub Inspector (Rankers) Examination 2008-09. Pursuant to the said notification, Senior Superintendent of Police, Dehradun issued a circular on 24.12.2008 wherein the eligibility conditions and procedure of selection was indicated. Pursuant to the aforesaid notification, the petitioners applied and participated in different stages of selection process. After qualifying the test the petitioners were permitted to participate in the Physical Examination (I.T. & P.T.) test and after qualifying the same they were permitted to appear in the written examination. They qualified the main written examination and appeared before Interview Board. Result was declared, they were selected and their names were included in the merit list of general category candidates.

2. Some Constables/Head Constables who had also applied for the said examination but were declared unsuccessful in the Preliminary Test or Physical Test, approached this Court by filing WPSS Nos. 575 of 2008, 550 of 2009, 552 of 2009 and 557 of 2009. These petitions were heard on 11.12.2009 and this

Court passed an interim order directing the respondents to keep 18 posts of Sub Inspectors (Civil Police) vacant. In compliance of the order of this Court, respondents kept 18 posts of Sub Inspectors vacant and gave appointment to remaining 119 candidates and thereafter they were sent for training. The aforesaid writ petitions were heard and were dismissed on 09.04.2010 and the interim order passed in those writ petitions stood vacated.

3. In spite of the fact that petitioners were duly selected for the post of Sub Inspector (Civil Police) they were not sent for training. Thereafter the petitioners approached this Court by filing present writ petition.

4. The contention of learned Counsel for the petitioners is that since petitioners are duly selected candidates and interim order passed in WPSS No. 550 of 2009 has already been vacated, the respondents should have sent the petitioners for training in time.

5. The respondents filed counter affidavit and came up with the case that there is no provision for weighting list and in view of this fact the petitioners cannot be sent for training.

6. Heard learned Counsel for the parties.

7. This Court finds that due to interim order dated 11.12.2009 the petitioners could not be sent for training. The respondents failed to consider that 137 posts were advertised and the petitioners were included in the select list of 137 selected candidates. Therefore, it cannot be said that petitioners were kept in waiting list and in absence of any provision for weighting list, petitioners cannot be given appointment. Since the petitioners' name figure in the select list of 137 posts, they are entitled for appointment on the post of Sub Inspector (Rankers) in pursuance of examination held in the year 2008-09. Consequently, the writ petition is allowed. Respondent Nos. 3 & 4 are directed to send the petitioners for Sub Inspector (Rankers) training at the earliest.

8. Misc. Application No. 3121 of accordingly.