
(2014) 02 MAN CK 0007
In the Manipur High Court
Case No : Writ Petition (C) No. 515 of 2012

Dr. Laitonjam Thoithoi Singh	Vs	APPELLANT
The State of Manipur and Others		RESPONDENT

Date of Decision : 27-02-2014

Acts Referred:

Citation : (2014) LabIC 2161

Hon'ble Judges : Laxmi Kanta Mohapatra, Acting C.J.

Bench : Single Bench

Advocate : M. Rarry, for the Appellant; R.S. Reisang, Sr. G.A., Mr. S. Nepolen, Add. G.A., Mr. N. Kumarjit, Mr. Mark M. and Mr. M. Devananda, for the Respondent

Final Decision : Allowed

Judgement

L.K. Mohapatra, Actg. C.J.

1. In this writ application, the Court is called upon to adjudicate a dispute having a long history. The case of the petitioner as set out in the writ application are as follows:- The petitioner is a degree holder in Vety. Science and Animal Husbandry. He was initially appointed as Vety. Asstt. Surgeon (VAS) on ad-hoc basis on 10.08.1977 and such ad-hoc appointment was extended. His case, thereafter was considered by the DPC in consultation with Manipur Public Service Commission (MPSC) and he was regularized as Vety. Asstt. Surgeon [Extension Officer (A.H.)] Grade-IV of the Manipur Vety. and Animal Husbandry Services on 16.03.1978. A tentative seniority list of the Vety. Asstt. Surgeon working under the department was prepared in June, 1988. In the said tentative seniority list, the name of the petitioner appeared at serial number 17.

2. In the year 1994, the Government of Manipur framed Manipur Veterinary and Animal Husbandry Service Rules, 1994 (Annexure A/2) (hereinafter called the 1994 Rules) vide notification No. 12.10.1994. It came into operation from the date of its publication in the official gazette on 17.10.1994. The said 94 Rules

contemplated that a service shall be constituted known as "Manipur Vety. and Animal Husbandry Service" (hereinafter referred to as the "Service") consisting of persons to be appointed under Rule 7 of the said Rules. Subsequently, the Rules underwent an amendment on 26.11.1994.

3. First Departmental Promotion Committee was convened on 7.12.1994 in terms of the 94 Rules for promotion to the post of Grade-II, III and IV in consultation with MPSC. The said Departmental Promotion Committee recommended the name of the petitioner for promotion to Grade-III. Order of appointment was issued on 13.12.1994. Accordingly, the petitioner joined the post of Dy. Director, MVS Grade-III w.e.f. 13.12.1994.

4. Some aggrieved officers not satisfied with the recommendation made by the DPC filed writ applications and ultimately recommendation of the DPC was quashed on the ground that such recommendation had been made on the basis of tentative seniority list and retrospective regularization has not been done properly.

5. In terms of the order passed by the Court in the said writ application, second Review DPC was convened on 2.04.1997 for the very same purpose and the petitioner was recommended for being promoted to the post of Dy. Director, MVS Grade-III. However, recommendation of the second Review DPC was not acted upon and the third Review DPC was conducted on 15.05.1999 after rectification of errors in fixation of seniority in the final seniority list. This was done in pursuance of the order passed by the Court in the writ applications challenging the recommendation made in the second Review DPC. Again in the 3rd Review DPC, the petitioner was recommended for appointment to the post of Dy. Director. Recommendation of the 3rd Review DPC was also set aside and 4th Review DPC was convened on 28.10.2006. In the 4th Review DPC also, the petitioner was recommended for promotion to Grade-III against the post of Dy. Director. Recommendation of the 4th Review DPC was also again challenged in the Court and the same was set aside. Thereafter, 5th Review Review DPC was convened on 24.5.2008 and the petitioner was again recommended by the 5th DPC for promotion to Grade-III. The said recommendation of 5th Review DPC was not acted upon on the ground that the name of the post against which officers were recommended had not been mentioned. Therefore, 6th Review DPC was conducted. On this occasion, the 6th Review DPC did not recommend the name of the petitioner for promotion to Grade-III. Challenging the above recommendation of the 6th Review DPC, this writ application has been filed. These facts are not in dispute.

6. Shri M. Rarry, learned counsel appearing for the petitioner referring to the notification dated 12th October, 1994 issued by the Department of Personnel and Administrative Reforms (Personnel Division) at Annexure A/2 and other documents attached to the writ petition, counter affidavit, rejoinder affidavit and additional affidavit made the following submissions:-

(a) Rule 7 of the Manipur Veterinary and Animal Husbandry Service, 1994 deals with initial appointment to the service. Rule 7(1)(2) provides that all other persons who were appointed as Vety. Asstt. Surgeon (VAS) or equivalent and have no corresponding Grade, shall be designated as Vety. Officer and shall be deemed to be appointed in Grade-IV from the date of notification of 1994 Rules. Under Rule 7(1)(2)(B), those who were holding posts of corresponding to Grade-IV of the service and possessing qualification prescribed in the Schedule II of the 1994 Rules were eligible for promotion to Grade-III and zone of consideration as provided in Rule 7(2)(C) would be twice the number of vacancies plus four. Schedule III of 1994 Rules provided for 5(five) categories of Grades, such as Grade-I, II, III, and IV and "Unspecified" Grade. On the date of coming into force of the above 1994 Rules, those officers who were working as Vety. Asstt. Surgeon (VAS) or equivalent were kept in the "Un-specified" grade and accordingly, the petitioner as well as the private respondents were kept in the "Unspecified" Grade. Under Rule 7(2)(B)(ii) and (iv), those officers who were in on specified Grade and possessing the qualification prescribed in Schedule II and had put in the required years of service as laid down in 1994 Rules could be promoted to Grade-III both in Specialist and Non-specialist posts. 26 Officers from the "Un-specified" Grade had been considered for promotion to Grade-III by 1st DPC and all the subsequent 4(four) Review DPCs. The petitioner was recommended consistently by the previous 5(five) DPCs for promotion to Grade-III whereas in the 6th Review DPC, he was not recommended. On the other hand, Respondent No. 7 was recommended ignoring the seniority of the petitioner and because of wrong assessment of entries in ACRS.

(b) Since such promotion is to be affected on the basis of seniority-cum-merit, admittedly, the petitioner being senior to Respondent No. 7 and having the requisite qualification and experience, should have been recommended by the 6th Review DPC for promotion to Grade-III, as had been done by all the previous 5 DPCs.

(c) This 6th Review DPC took into consideration the ACRs of 1993-94, whereas the recruitment was to be made in 1994. Therefore, 6th Review DPC could not have considered ACRs of 1993-94 of officers in "Un-specified" Grade for promotion to Grade-III.

7. Shri R.S. Reishang, learned sr. G.A., Shri S. Nepolen, learned Addl. G.A. appearing for the state respondents and MPSC respectively as well as Shri N. Kumarjit, learned sr. counsel appearing on behalf of the respondent No. 7, Shri M. Devanand, learned counsel for the respondent No. 9 contested the writ application and submitted that promotion to Grade-III has to be done from Grade-IV. Even after promotion of Grade-IV Officers to Grade-III, some posts remained vacant in Grade-III. Therefore, officers from the "Unspecified" Grade could be considered for promotion. It was further contended that after filling of the post in different grades, it was found that 11 posts in Grade-III were still available to be filled up. Since all the officers working under Grade-IV had

already been promoted to Grade-III, it became necessary to consider officers working in "Un-specified" Grade for promotion to Grade-III. Accordingly, as against the 11 vacancies in Grade-III as per the 1994 Rules, 26 officers from the "Un-specified" Grade were considered for promotion to Grade-III including the petitioner and the respondent No. 7 apart from other private respondents. It was also contended that such promotion is done by way of selection and therefore, promotion is to be made solely on the basis of merit and seniority has no role to play. Though in the previous 5 DPCs, petitioner had been recommended for promotion to Grade-III, in the 6th Review DPC, it was found that the assessment of ACRs so far as the respondent No. 7 is concerned, had not been done properly and therefore, on assessment of ACRs of all the 26 officers working in "Un-specified" Grade, it was found that the respondent No. 7 was more suitable than the petitioner for promotion to Grade-III and accordingly, recommended respondent No. 7 for promotion to Grade-III and further recommended the petitioner for promotion to Grade-IV. According to the learned counsel for the respondents, 6th Review DPC correctly assessed the ACRs of respondent No. 7 vis-à-vis the petitioner and found the respondent No. 7 more suitable for promotion to Grade-III. Therefore, there being no dispute with regard to the final seniority list, the Court cannot sit in appeal over recommendation of the 6th Review DPC and interfere with the recommendation which has been done on proper assessment of ACRs of the petitioner as well as the respondent No. 7. Several other submissions were also made by learned counsel appearing for the parties in course of hearing and those submissions shall be dealt with reference to the documents necessary to be referred for adjudication of the dispute.

8. Manipur Veterinary and Animal Husbandry Service Rules, 1994 came into force w.e.f. 17.10.1994. The purpose of bringing this Rules was that a service known as "Manipur Veterinary and Animal Husbandry Service" shall be constituted consisting of persons appointed to the service under Rule 7, 8 and 11 of the said Rules. It is provided in the Rules that there shall be 4(four) grades in the service such as Grade-I, II, III and IV with different scale of pay attached to each Grade. The authorized strength of service is in two parts, such as permanent posts and temporary posts as specified in Schedule 1 to the Rules. Under Rule 6, the selection committee is to be constituted for the purpose of recruitment of initial constitution of service, departmental promotion and confirmation. The said provision in the Rule 6 was amended later on in November, 1994 so far as it relates to the members who would constitute this selection committee. Rule 7 deals with initial appointment to the service. Rule 7(1)(i) provides that all persons who were appointed to any of the posts in the Veterinary and Animal Husbandry department and which have corresponding grade as shown in Schedule III of the Rules shall be deemed to have been appointed to such corresponding grade from the date on which they were so appointed. Schedule III provides that the post of Director shall be in Grade-I, post of Joint Director/Registrar/will be in Grade-II, post of Deputy Director/Superintendent(Hospital)/Project Officer/Senior Statistical Officer/OSD (Dairy) would be in Grade-III.

Several other category of officers except VAS or equivalent are to be placed in Grade-IV. No grade was provided for Veterinary Asstt. Surgeon (VAS) or equivalent and accordingly such officers as per Schedule III were to be kept in the "Un-specified" Grade. From schedule I, it appears that one post was meant for Grade-I, 10(ten) posts were meant for Grade-II, 41(forty one) posts were meant for Grade-III and 111(one hundred eleven) posts were meant for Grade-IV. At the time of coming into force of the said Rules, there was already a Director and accordingly he was absorbed in Grade-I against the post of Director from the date he was appointed as such. Though there were 10 posts in Grade-II, all the posts were lying vacant. In order to fill up those 10(ten) Grade-II posts, it was decided to promote 10 officers from Grade-III to Grade-II and accordingly, 10(ten) officers were promoted and all the posts in Grade-II were filled up. So far as the post of Grade-III is concerned, as against 41(forty one) posts, only 15 officers were available. Out of these 15 officers, 10 had been promoted to Grade-II. Therefore, the five officers were adjusted against Grade-III leaving behind 36 posts vacant in Grade-III. It was therefore, decided that the aforesaid 36 vacant posts in Grade-III should be filled up from amongst the officers working in Grade-IV. In Grade-IV, only 25 persons were available and accordingly all the 25 officers were promoted to Grade-III. Even after promotion of 25 officers from Grade-IV to Grade-III, 11 posts still remained vacant in Grade-III. Therefore, a further decision was taken to fill those 11 posts in Grade-III from amongst the officers who had been kept in the "Un-specified" Grade. Rule 7(2)(C) provides that the zone of consideration for the purpose of initial constitution to the Grade-II and Grade-III of the Service shall be twice the number of vacancy plus four. In terms of this provision, since 11 posts remained vacant in Grade-III, 26 officers working in the "Un-specified" Grade were considered for promotion to Grade-III. The 1st DPC after verification of the records of 26 officers in the "Un-specified" Grade had recommended 11 names for promotion to Grade-III. The said recommendation was challenged on judicial side and the same was set aside. Thereafter, 4 consecutive Review DPC recommended for promotion to Grade-III but for some reasons or other, those recommendations were either set aside by Court or were not acted upon. In the 1st DPC as well as subsequent 4 Review DPC, the petitioner had been recommended for promotion to Grade-III. In the 6th Review DPC, the petitioner was not recommended and the respondent No. 7 was recommended for promotion. The selection Committee found the respondent No. 7 more suitable than the petitioner for such promotion to Grade-III and accordingly, recommended for promotion of respondent No. 7 to Grade-III and promotion of petitioner to Grade-IV. This recommendation of this 6th Review DPC is the subject matter of challenge in the present writ application.

9. Since the Rule 7 deals with initial recruitment to the service, for convenience, the entire provision is quoted below:-

7 Initial Appointment to the Service (1) At the commencement these Rules;

(i) All persons who were appointed to any of the posts in the Veterinary & Animal Husbandry Department and which have a corresponding grade as shown in Schedule-III in these Rules shall be deemed to have been appointed to such corresponding grade from the date on which they were so appointed: and

(ii) All other person who were appointed to Veterinary Assistant Surgeon or equivalent and which have no corresponding grade in these Rules shall be designated as Veterinary Officer and shall be deemed appointed in Grade-IV from the date of notification.

Provided that the person who are deemed appointed under Sub-rule 1(ii).

Provided further that the regular continuous service of officers mentioned in Sub-rule 1(ii) in the respective categories immediately before the commencement of these Rules shall count for the purpose of probation period, qualifying service for promotion, confirmation and pension in the service.

(2) Subject to the availability of posts in the sanctioned strength of the service, the appointing authority may, at the commencement of these Rules, appoint to the service on the recommendation of the Selection Committee a person-

A(i) who was holding a post corresponding to Grade-III of the service and had put in-

(a) 7 years" service irrespective of grade for P.G. degree holders.

(b) 9 years" irrespective of grade for P.G. Diploma holders.

(c) 12 years" service irrespective of grade for basic degree holders.

(ii) Failing which a person who was holding a post corresponding to Grade-IV and had put in-

(a) 15 years" service irrespective of grade for P.G. holders.

(b) 18 years" service irrespective of grade for P.G. holders.

(c) 20 years" service irrespective of grade for basic degree holders.

- in Grade-II of the service.

B(i) who was holding a post corresponding to Grade-IV of the service and possessing the qualification prescribed at Annexure to Schedule-II with-

(a) 5 years" service irrespective of grade for P.G. holders.

(b) 7 years" service irrespective of grade for P.G. holders.

(ii) Failing which a person who was in the unspecified grade and possessing the qualifications prescribed at Annexure to Schedule - II and had put in-

(a) 10 years, for P.G. degree holder

(b) 12 years, for P.G. diploma holder.

In Grade-III of the Service (Specialist posts)

(iii) who was holding a post corresponding to Grade-IV of the service with

(a) years service irrespective of grade for P.G. degree holders.

(b) 7 years service irrespective of grade for P.G. diploma holders.

(c) 9 years service for basic degree/diploma holders.

(iii) Failing which a persons who was in the unspecified category/grade and had put in-

(a) 10 year service for P.G. degree holder.

(b) 12 years service for P.G. diploma holder.

(c) 14 years service for basic degree/diploma holder.

- in the Grade-III service (non-specialist posts)

C. The zone of consideration for the purpose of the initial constitution to the Grade-II and III of the Service shall be twice the number of vacancy plus four.

10. Rule 7(2) provides that subject to availability of post in the sanctioned strength of the service, appointing authority may at the commencement of the Rules shall count for the purpose of probation, qualifying service for promotion etc. On recommendation of the selection committee, a person in Grade-III with such qualification and experience can be adjusted in Grade-II of service and similarly officers in Grade-IV with such qualification and experience can be adjusted in Grade-III (both specialist & non-specialist posts). As it appears from the said Rule, officers who were holding posts corresponding to Grade-IV of the service and possessing 5(five) years service irrespective of Grade with P.G. Degree or 7 years of service, irrespective of Grade with P.G. Diploma could be adjusted in Grade-III (Specialist post). If no such officer is available, officers in "Un-specified" Grade having 10 years of service with PG Degree or 12 years of services with P.G. Diploma could be adjusted in Grade-III (Specialist Posts). Similarly, an officer holding a post corresponding to Grade-IV with 5(five) years service irrespective of Grade with P.G. Degree or 7 years service irrespective of Grade with PG Diploma or 9 years of service with basic Degree/Diploma could be adjusted in Grade-III (non-specialist post). If no such officer is available with such experience and qualification, the officers from the "Un-specified" Grade having 10 years of service with PG Degree or 12 years of service with PG Diploma or 14 years of service with basic degree/Diploma could also be adjusted in Grade-III (non-specialist post).

11. As stated earlier, 11 posts were available to be filled up in Grade-III of the service and no officer was available in Grade-IV to be adjusted in Grade-III. Therefore, in terms of Rule 7(2)(B), officers belonging to "Un-specified" Grade were considered for adjustment in Grade-III. Accordingly, as provided in Rule 7(2)(C), 26 officers were considered for such adjustment from the "Unspecified"

Grade for the purpose of promotion against the 11 Grade-III posts available to be filled up. Though the word promotion has not been used in Rule 7(2), it is actually adjustment of officers from Grade-III to Grade-II and from Grade-IV to Grade-III and from "Un-specified" Grade to Grade-III subject to availability of vacancies and availability of officers with the prescribed year of service and qualification. However, this process has to be undertaken by the Selection Committee constituted for the purpose and Rule 6 deals with constitution of Selection Committee which specifically provides that Selection Committee is to be constituted not only for departmental promotion but also for recruitment of initial constitution. Therefore, the arguments advance to the effect that after adjustment of the officers in different Grades, they are to be promoted subject to availability of posts in higher Grade does not appear to be in conformity with sub-Rule 2 of Rule 7. The dispute in the present case is with regard to non-recommendation of the petitioner from the "Un-specified" Grade for promotion to Grade-III in spite of the fact that he had earlier been recommended not only by 1st DPC but by subsequent 4 Review DPCs. Though it was contended on behalf of the respondents that the 1st DPC and subsequent 4 Review DPCs had not assessed the ACR of respondent No. 7 properly and only in the 6th DPC, the ACRs of the said respondent were assessed properly, it was contended by learned counsel appearing for the petitioner that in the 6th DPC, the ACR of 1993-94 was illegally considered since the DPC was considering such adjustment in the year 1994 and that there was manipulation in the ACR of the respondent No. 7, in order to recommend him for the purpose of promotion to Grade-III.

12. Learned counsel for the petitioner also contended that there are two categories of posts available in Grade-III and out 11 posts which were available to be filled up from amongst those "Unspecified" grade, one was non-specialist post whereas, 10 were specialist posts. Considering the educational qualification of the petitioner, he could be adjusted against this sole non-specialist post in Grade-III and respondent No. 7 could be adjusted to one of the 10 specialist posts available in Grade-III. It was also contended that officers in the "Un-specified" category who were otherwise qualified to be adjusted in Grade-III (Specialist) having inferior ACRs than that of respondent No. 7 were recommended for such adjustment against specialist posts whereas, the respondent No. 7 who had better ACRs than some of the officers who were qualified to hold the post of specialist in Grade-III was recommended for adjustment against the non-specialist post in the said Grade.

13. In order to appreciate the contention of the learned counsel appearing for the petitioner, attention of the Court was drawn to assessment chart which forms part of the Affidavit-in-opposition filed by the respondent No. 7. For convenience, the said chart is quoted below:-

ASSESSMENT CHART

Name of Post & Department: Grade-IV, Manipur Veterinary and Animal Husbandry, Manipur

No. of Vacancy: 11 (Eleven) posts, 1994-95.

14. From the above chart, it appears that the name of the petitioner finds place at serial number 7, whereas the name of the respondent No. 7 finds place at serial number 22. The petitioner was found to be "Good" in 1989-90, "Fair" in 1990-91, "Good" in 1991-92, "Good" in 1992-93 and "Very Good" in 1993-94. Ultimate grading on consideration of the five years' ACR was "very good". So far as the respondent No. 7 is concerned, he was found to be "Outstanding" in 1989-90, "Very Good" in 1990-91, "Very Good" in 1991-92, "Outstanding" in 1992-93 and again "Outstanding" in 1993-94. Average grading was given as "Outstanding". However, from the chart, it appears that in the year 1992-93, he had been given "Very Good" which has been scored through and the same has been made "Outstanding" with reference to the same it was contended by the learned counsel for the petitioner that manipulation was done in the ACRs of 1992-93. So far as the respondent No. 7 is concerned, had the ACR for that year not been made outstanding in place of very good, both the petitioners and Respondent No. 7 would have got ultimate grading of "Very Good". In that case, petitioner would have been recommended for the purpose of adjustment. Other contention of the learned counsel for the petitioner that recruitment having taken place in the year 1994, ACR of 1993-94 could not be taken into consideration does not appear to be correct. ACR is to be taken into consideration as per the financial year and the process of recruitment had been undertaken much after end of March, 1994. In all previous DPCs, ACR of 1993-94 had been taken into consideration. No objection was raised by any one. Therefore, I am of the view that the above objection of the petitioner is of no consequence. However, in order to find out as to whether there was manipulation in the ACRs of Respondent No. 7 for the year 1992-93 or not. MPSC was directed to produce the originals and accordingly the same has been produced before this Court.

15. There is no dispute with regard to the entries in the ACR of the petitioner and petitioner also did not dispute with regard to entries made in ACR of respondent No. 7 except for the year 1992-93. On perusal of the Original ACR of the respondents for the year 1993-94, it is found that Reporting Officer had given grading of "Very Good". Reviewing Officer also endorsed the said grading. However, remarks of the next superior officer/Head of Department appears to have been tempered with. Initially the Secretary/Commissioner concerned department had accepted the grading given by the Reporting Officer as well as the Reviewing Officer. Subsequently, the word "Very Good" has been scored through and "outstanding" has been written. The word "outstanding" has been written in different ink and there is no initial below the said correction. For the disputed year 1992-93, it is found that the Reporting Officer had given respondent No. 7 a grading of "Very Good". However, the Reviewing Officer did not accept and made it "Good". It also appears that the Secretary/Commissioner of the concerned Department who was the next superior officer had accepted the grading given by the Reviewing Officer without any comment but subsequently in a different ink just above signature of the Commissioner "Accepted as

Outstanding" written in a different ink and it has not been signed by the Commissioner.

16. For the above reason, as strong suspicion arises with regard to the grading given by the Commissioner/Secretary of the concerned department for the year 1992-93 and 1993-94, the allegation of the petitioner that the grading supposed to have been given by the Secretary/Commissioner has been manipulated appears to be prima facie correct. Reliance was placed by the learned counsel appearing for the respondents on the decision of the Apex Court in the case of State Bank of India and others Vs. Mohd. Mynuddin, . In the said decision, the Apex Court held that decision of a selection Committee should not ordinarily be interfered with by Court unless it is vitiated by mala fides or bias. A similar view was also expressed by the Apex Court in the case of M.V. Thimmaiah and Others Vs. Union Public Service Commission and Others, . In the above judgment, the Apex Court held that recommendation of DPC/Selection Committee should not normally be interfered with unless there is apparent error, malafide or violation of statutory Rules.

17. In view of the above decision, though scope of interference with recommendation of DPC/Selection Committee is very limited, the Court cannot also close its eyes when it is brought to its notice that manipulations in the ACR are apparent on the face of the record which forms basis of recommendation. Since prima facie, it appears that manipulation might have been done with regard to grading given to Respondent No. 7 in the ACRs of 1992-93 and 1993-94, I am of the view that it requires an inquiry and the recommendation in favour of respondent No. 7 against Grade-III post should be kept in abeyance till MPSC verifies Original ACRs for the above said two years and forms an opinion as to whether the entries made for those two years in a different ink and not signed by the Secretary/Commissioner should be accepted or not. In the event, MPSC is of view that for such ACRs of 1992-93 and 1993-94 should not be accepted for the reasons stated above, a fresh assessment is to be made between the petitioner and respondent No. 7 for the purpose of recommendation.

18. Lengthy arguments were advanced by the learned counsel appearing for the parties with regard to the law relating to merit-cum-seniority and seniority-cum-merit for the purpose of promotion and it was contended that since promotion is to be made by way of selection, merit plays a major role. I have neither dealt with such arguments nor the decision cited by the learned counsel appearing for the parties in this regard considering the fact that notification dated 12th October, 1994 issued by the Department of Personnel and Administrative Reforms was with reference to the initial constitution of service. Therefore, Rule 6 of the said notification prescribes for constitution of Selection Committee which is required to deal with not only recruitment of initial constitution but also departmental promotion and confirmation. Rule 7 of the said notification only prescribes for initial appointment to the Service and Sub-Rule (2) to Rule 7 which deals with appointment to service in different grades but does not speak of a

promotion. Since the Selection Committee was undertaking the task of initial constitution depending on availability of posts in different grades it was to recommend names for adjustment of officers in different grades even though it may amount to promotion. I, therefore, allow the writ application and set aside the recommendation made by the 6th DPC/Selection Committee for adjustment of respondent No. 7 against Grade-III post and further direct that case of the petitioner vis-?-vis respondent No. 7 be reconsidered with reference to their respective ACRs. The rest of the recommendation made by the 6th DPC/Selection Committee shall remain intact and is not interfered with. This exercise be completed by MPSC within a period of 3(three) months.