
(2011) 08 P&H CK 0282
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9617 of 2008

Jitender Singh and others

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 18-08-2011

Acts Referred:

Citation : (2011) 08 P&H CK 0282

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—Petitioners, 15 in number and working in Indian Reserve Battalion (for short, "IRB"), have sought a writ of certiorari for quashing the select list prepared on 16.4.2008 by respondent No.2, selecting private respondents for induction into B1 list for the year 2008. The petitioners claim that they are meritorious and had a legitimate claim for being detailed on B1 list but have been excluded despite the fact that private respondents were ineligible and incompetent but were still selected.

2. The facts pleaded to challenge this detailment noticed in brief are that Union of India had conveyed a scheme for raising IRB by the Government of Haryana and notification dated 8.10.2003 was issued. 50% of the IRB Force was to be sponsored by the Central Government whereas remaining 50% was the responsibility of the State Government. A special syllabus of basic training was circulated for recruitment to IRB by the Ministry of Home Affairs. This was followed for the purpose of recruitment and selection in the force. State of Haryana had raised one IRB Unit. The recruitment was made for various appointments, including that of Constables. The petitioners were selected and appointed on 27.11.2001 as Constables in response to an advertisement dated 13.11.2001.

3. The petitioners would claim that they being from specialised force have been

involved in various anti-terrorist and counter-insurgencies activities. They would, thus, claim that they are absolutely distinct and different from the Constable of the State Armed Forces, including the District force.

3. In February 2008, an intimation was received that 72 posts of Head Constables were lying vacant and the respondents were desirous of filling the same. 44 posts out of these were meant for general category selection post whereas 28 posts were to be filled by way of seniority-cum-merit. The petitioners were eligible for 44 seats meant for general category, which were to be filled by way of selection. The respondents had desired that the constables may be selected for induction of their names in list B1 for the year 2008, who would be entitled to further promotion to the posts of Head Constables. The test was accordingly conducted on 5.4.2008. 536 Constables appeared for the same. The petitioners had also appeared in the test. The result was declared on 10.4.2008. 96 candidates were short listed, who were to go through the process of interview and ultimately 44 candidates were to be inducted in list B1 for the year 2008. The petitioners name appeared in the list of 96 qualified candidates. They were interviewed on 10.4.2008. The result was declared on 16.4.2008, when the list of 44 candidates was circulated. It is the selection of private respondent Nos. 4 to 9 that the petitioners have challenged through the present writ petition.

4. The primary grievance of the petitioners appears to be against respondent Nos. 4 and 5, who, as per them, are from a District Police and were taken in service of IRB and then deputed to undergo B1 course against the posts sanctioned for the members of the IRB.

5. Notice of motion was issued. Reply has been filed.

6. Respondents have not disputed that IRB has been raised by the Central Government but it is stated that no specifications were laid down by the Government of India with regard to the procedure for promotional courses or for its qualification. Accordingly, the conditions and qualifications under Punjab Police Rules were to be followed for promotion and induction into B1 list.

7. The respondents have also not disputed that 72 seats were allotted to IRB Battalion for detailment on B1 course and 44 out of these were under 55% quota whereas 28 seats were meant for 35% quota, selection for which was to be made on the basis of seniority-cum-merit. The petitioners and respondent Nos. 4 to 9 were seeking their detailment under 55% quota. Director General of Police, Haryana, in this regard has clarified that candidates of IRB Battalion, who had not done their basic training (first phase) would not be considered for B1 test-2008.

8. The whole case set up by the petitioners is that respondent Nos. 4 and 5 did not belong to IRB and so could not have been considered for detailment to B1 course for the seats earmarked for IRB, both being distinct and separate cadres. As per the petitioners, respondent Nos. 6 to 8 had not completed the integrated training under Phase-2 as laid down in the notification.

9. In response, it is stated that they had completed only the integrated training under Phase-2 with the Border Security Force, which included training in counter insurgency, Jungle welfare, Commando, Weapon and Tactics training etc. To justify the detailment of respondent Nos. 4 and 5, it is stated that they were selected against the vacant posts of Head Constables in the 2nd Indian Reserve Battalion as there was no eligible candidate found for the said posts to fill the vacancies.

10. Counsel for the petitioners has vehemently pleaded that respondent Nos. 4 and 5, being from different cadre, could not have been detailed against the vacancies reserved for IRB. As per the counsel, respondent Nos. 6 to 8 were not eligible for consideration as they had not completed the Phase-2 of the IRB training, which according to the counsel, was mandatory. In support, the counsel has referred to the contents of the reply, where this fact has been conceded by the respondents that private respondent Nos. 6 to 8 had only completed integrated training under Phase-2 with Border Security Force. Thus, they had not completed the training with Army, CRPF etc.

11. The justification for detailment of respondent Nos. 6 to 8 and private respondent Nos. 4 and 5 primarily is on the ground that they were meritorious. Concededly, the detailment was done on the basis of test which was conducted. The marks obtained by the petitioners are reflected in the additional affidavit filed on 1.1.2011. All the petitioners had obtained marks varying from 63.25 to 50. It is also disclosed that the candidate with 64.5 marks was the lowest candidate in merit who was detailed on B1 course. Accordingly, the detailment of the private respondents is justified on the ground that they were meritorious and so were detailed.

12. Concededly, the detailment was based on merit and seniority had no consideration in this regard as the 55% vacancies were to be made out merits. Director General of Police had already issued clarification that the candidates from IRB Battalion, who had not done their 1st Phase of basic training were not to be considered for B1 test 2008. All the private respondents had in fact completed the 1st Phase of the basic training. Even as per the allegations of the petitioners, they had not completed the 2nd Phase of the integrated training completely. That in itself may not render private respondent Nos. 6 to 8 ineligible for detailment. Similarly, the justification offered to detail respondent Nos. 4 and 5 appears reasonable as no suitable candidate was available and the vacancies otherwise would have gone waste. The detailment was also done in the year 2008. The private respondents have already completed the training. They were detailed being meritorious. At this stage, no case for interference would be made out.

13. The writ petition is accordingly dismissed.