
(2017) 01 MAN CK 0006
In the Manipur High Court
Case No : 619 of 2013

Shri Mangsatabam Harekrishna

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 13-01-2017

Acts Referred:

Constitution of India, Article 226, Article 309, Article 16 -
Indian Administrative Service (Appointment and Promotion) Regulations, 1955,
Regulation 5(5)

Citation : (2017) 01 MAN CK 0006

Hon'ble Judges : Rakesh Rajan Parsad, N.Kotiswar Singh

Bench : Division Bench

Advocate : R.K. Deepak, R.S. Reisang, Devananda, Babita, K.R. Pamei

Final Decision : Allowed

Judgement

1. Heard Mr. R.K. Deepak, learned counsel for the petitioner. Also heard Mr. R.S. Reisang, learned Sr. G.A. for the UPSC, Mr. Devananda, learned counsel for the respondents no. 6,9,10,11,12 & 13, Ms. Babita, learned counsel for the respondent no. 5 and Mr. K.R. Pamei, learned counsel for the Union of India respondent. 2. The present petition has been preferred against the order dated 15.03.2013 passed in Original Application No. 212 of 2012 by the Central Administrative Tribunal, Gauhati Bench by which the application filed by the present petitioner, namely, Mangsatabam Harekrishna challenging the Government Notification No. 14015/15/2011-AIS(I)-B dated 01.03.2012 issued by the Under Secretary, Government of India notifying and appointing the members of the State Civil Services to the Indian Administrative Services on the grounds, inter alia, that the petitioner had been wrongly superseded by placing him below his junior officers in the Select List of the year 2010 by downgrading his ACR, was dismissed. 3. The petitioner is a member of the Manipur Civil Services (MCS) and his name figures at Sl. No. 11 of the final seniority list of the Manipur Civil Service Officers which was notified on 01.06.2010 and the private

respondents no. 5 and 6 with whom the petitioner is primarily aggrieved are placed at Sl. Nos. 14 and 15 below the petitioner in the said seniority list. A Selection Committee constituted under Regulation 3 of the Indian Administrative Service Appointment and Promotion Regulations, 1955 was held on 22.12.2011 for preparing the Select Lists of members of the Manipur State Civil Services for promotion to the Indian Administrative Service of the Manipur Segment of the Manipur Tripura Joint Cadre against 2 (two) vacancies of 2009 and 12 (twelve) vacancies of 2010. The Selection Committee prepared the Select List of 2009 selecting 2 (two) officers who were senior to the petitioner and as such the petitioner has not raised any grievance against the said Select List of 2009. However, while preparing the Select List of 2010, 12 (twelve) officers were selected in which the petitioner has been placed at Sl. No. 6 of the said Select List and the respondents no. 5 and 6 who were junior to the petitioners in the State Service have been placed above him at Sl. Nos. 2 and 3. It is this placement of two junior officers above him in the Select List of 2010 that the petitioner has taken strong objection to. The plea of the petitioner is that the petitioner had been consistently graded as "Outstanding" in the ACRs for the relevant years of 2004-2005 to 2009-2010, yet he has been downgraded as "Very good" in the overall assessment made by the Selection Committee. On the other hand, these two junior officers have been graded as "Outstanding" by the Selection Committee resulting in superseding him in the Select List. 4. Before the Central Administrative Tribunal the petitioner took the plea that downgrading of the overall assessment of the petitioner to "Very good" was contradictory to overall performance which was assessed as "Outstanding", which was unfair, unjust and discriminatory. It was also contended that there was no consistency in the assessment matrix across two meetings of the Selection Committee as evidenced by the overall grading given to Sri H. Gyan Prakash, the respondent no. 4 who was graded as "Very good" for the year 2009, yet as "Outstanding" for the year 2010 without giving any reasons. Similarly, Shri Athem Muivah, respondent no. 14 who was declared "Unfit" during 2009 was graded as "Very good" for the year 2010 and included in the Select List of 2010. It was also contended that the Selection Committee was influenced by an adverse report of an enquiry committee constituted by the State Government which was never communicated to the petitioner and as such the assessment of the petitioner was influenced by the extraneous consideration, which is impermissible. 5. The UPSC filed its written statement before the Tribunal contending that after overall assessment of the petitioner, the Selection Committee graded the petitioner as "Very good". On the basis of this assessment, the petitioner was placed at Sl. No. 6 in the Select List of 2010. Two other officers (Respondents no. 5 and 6) who were junior to the petitioner in the State Service were assessed as "Outstanding" and hence placed at Sl. Nos. 2 and 3 above the petitioner in the Select List of 2010 in terms of the Regulation 5 (5) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955. The stand of the UPSC before the Tribunal was that the promotion to IAS is made in terms of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 and

confidential guidelines framed by the UPSC in this regard. It was stated that as per Regulation 5 (4) of the Promotion Regulations, the Selection Committee is required to categorize eligible officers as "Outstanding", "Very Good", "Good" and "Unfit" as the case may be on an overall relative assessment in their service records. It was stated that for making an overall relative assessment, the Selection Committee will not depend solely on the grading recorded by the Reporting/Reviewing/ Accepting Authority but will make its independent assessment of the service records of the eligible officers as per the procedure mentioned in the said guidelines. It was also stated that the Selection Committee while making such assessment takes into account orders regarding appreciation for the meritorious work done by the concerned officers and similarly, it also keeps in view orders awarding penalties or any adverse remarks communicated to the officers. It was accordingly, contended by the UPSC that after proper and due deliberation of the various columns recorded by the Reporting/Reviewing/ Accepting Authority in the ACRs for the different years and after detailed mutual deliberation and discussion the Selection Committee finally arrives at the classification assigned to each officer. Accordingly, on the basis of such assessment, the Select List of 2010 was prepared. It was also contended by the UPSC relying on the decisions of the Hon"ble Supreme Court in R.S. Dass v. Union of India & Ors., AIR 1987 SC 593 as well as Sh. M.V. Thimmaiah & Ors. v. Union of India & Ors., 2008 Vol. 2 SCC 119 that the Selection Committee makes overall relative assessment and accordingly prepares the select list and recommendation of the Selection Committee cannot normally be challenged except on the ground of mala fides or serious violation of the statutory rules and Court cannot sit as an appellate authority to examine the recommendations of the Selection Committee like the Court of Appeal. The State Government also took similar pleas and denied that there was any extraneous influence exercised on the proceeding of the Selection Committee. With regard to the contention of the petitioner raised before the Administrative Tribunal that he had impeccable record of service, it was pointed out on behalf of the State that there had been some lapses on his part as per report of an Enquiry Committee headed by the Chief Secretary, Government of Manipur. However, at the same time, it was also refuted by the State Government that the effect of the same was not brought to the members of the Selection Committee as the minutes of the Selection Committee meeting does not refer to any such thing. On the basis of rival contentions of the parties, the Central Administrative Tribunal framed three issues, namely, (i) Whether the Selection Committee was right in awarding "Very good" grading to the applicant, (ii) Whether there was any requirement for such down gradation to be communicated, (iii) Whether giving different gradings to some officers by the same Selection Committee for different years in the same meeting reflects inconsistency and lack of application of mind. 6. The Central Administrative Tribunal held that the Selection Committee on examination of service records of each of the eligible officers can make its own assessment after deliberation on the quality of the officers, and would not be guided merely by the overall grading in the ACRs and as such the particular grading may get upgraded/

downgraded in overall grading by the Selection Committee. The Tribunal also observed that as regards the allegation of inconsistency, the said Shri Athem Muivah (Respondent no. 14) was graded as "Unfit" for the year 2009 in view of penalty imposed on the said officer. The Tribunal accepted the plea of the UPSC that overall grading by the Selection Committee as "Very good" of the petitioner does not amount to down gradation. It was also held by the Tribunal that there was no need to communicate the overall assessment made by the Selection Committee of the petitioner as "Very good" as against his ACRs being consistently assessed as "Outstanding". The Central Administrative Tribunal also noted that it did not find any mention of any enquiry report against the petitioner anywhere in the minutes of the Selection Committee meeting and accordingly held that the Tribunal did not find any reason to believe that the Selection Committee was influenced by the effect of any enquiry report. Accordingly, the application of the petitioner was dismissed by the Central Administrative Tribunal, against which the present petition has been preferred. 7. Similar pleas have been raised by the contesting parties before this Court. 8. The gravamen of the complaint of the petitioner is that the petitioner had been consistently assessed throughout the years under consideration as "Outstanding" in his ACRs. However, the Selection Committee erroneously downgraded him as "Very good" in the overall assessment thereby allowing his two junior officers who had been assessed as "Outstanding" to supersede him. The issue of inconsistency on the part of the Selection Committee also has been raised. The petitioner has also reiterated that certain uncommunicated adverse report prepared by the State Government had unduly influenced the mind of the members of the Selection Committee. 9. We will now proceed to examine the first issue raised by the petitioner. As we proceed to examine this issue, we have to keep in mind that the scope of interference by the Court as regards recommendation made by the Selection Committee is indeed a limited one, as has been reiterated by the Hon'ble Supreme Court through a series of judgments. In this regard we would like to refer to some of the decisions of the Hon'ble Supreme Court, some of which are also relied on by the respective parties. 1. R.S. Dass v. Union of India & Ors., AIR 1987 SC 593 2. Dalpat Abasaheb Soluke v. Dr. B.S. Mahajan, (1990) 1 SCC 305 3. Durga Devi and Another v. State of H.P. and others, (1997) 4 SCC 575. 4. UPSC v. K. Rajaiah and others, (2005) 10 SCC 15 5. National Institute of Mental Health Neuro Sciences v. Dr. K. Kalyana Raman, 1992 Supp (2) SCC 481 6. Union of India v. A.K. Narula, (2007) 11 SCC 10 7. Union Public Service Commission v. Arun Kumar Sharma, (2015) 12 SCC 600 8. M.V. Thimmaiah v. UPSC, (2008) 2 SCC 119 9. Union of India v. S.P. Nayyar, (2014) 14 SCC 370 10. Anil Katiyar v. Union of India, (1997) 1 SCC 280 11. Union of India v. S.K. Goel, (2007) 14 SCC 641 10. In R.S. Dass v. Union of India & Ors., AIR 1987 SC 593, the Hon'ble Supreme Court held that, "Where promotion is made on the basis of seniority, the senior has preferential right to promotion against his juniors but where promotion is made on merit alone, senior officer has no legal right to promotion and of juniors to him are selected for promotion on merit the senior officer is not legally superseded." However, the Hon'ble Supreme Court also

made the observation (in para no.28) that, "There are, therefore, adequate checks and safeguards at different stages by different authorities. But if any dispute arises with regard to the arbitrary exclusion of a senior member of the State Service the matter can always be investigated by perusing his service records and comparing the same with the service record of officers who may have been preferred and that would certainly disclose the reasons for the supersession of the senior officer". There are, therefore, adequate checks and safeguards at different stages by different authorities. But if any dispute arises with regard to the arbitrary exclusion of a senior member of the State Service the matter can always be investigated by perusing his service records and comparing the same with the service record of officers who may have been preferred and that would certainly disclose the reasons for the supersession of the senior officer. The Selection Committee and the Commission both include persons having requisite knowledge, experience and expertise to assess the service records and ability to adjudge the suitability of officers. In this view we find no good reasons to hold that in the absence of reasons the selection would be made arbitrarily. Where power is vested in high authority there is a presumption that the same would be exercised in a reasonable manner and if the selection is made on extraneous considerations, in arbitrary manner the courts have ample power to strike down the same and that is an adequate safeguard against the arbitrary exercise of power." (emphasis added).

11. In *Durga Devi and Another v. State of H.P. and others*, (1997) 4 SCC 575, the Hon'ble Supreme Court, relying on the earlier decision in *Dalpat Abasaheb Soluke v. Dr. B.S. Mahajan*, (1990) 1 SCC 305 held that Court should not sit over selection made by Selection Committee consisting of experts and should not make assessment of comparative merits of candidates. In *Dalpat* (supra), the Hon'ble Supreme Court held that, "The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc." A close examination of the judgment in *Dalpat* would reveal that the Hon'ble Supreme Court has held that on certain grounds the decision of the Selection Committee can be interfered with and had mentioned some of these grounds but did not exhaustively mention all the grounds by using the expression "etc". In other words, there could be also other grounds not mentioned in the judgment on which the decision of a Selection Committee could be interfered.

12. Coming to the case of *UPSC v. K. Rajaiah and others*, (2005) 10 SCC 15, which dealt with the recommendation of the Selection Committee for promotion from the State Police Service to Indian Police Service (IPS) by the UPSC, it may be noted that in that case the Hon'ble Supreme Court did not endorse the view taken by the High Court that consistent with the principle of fair play, the Selection Committee ought to have recorded reasons while giving a lesser grading to the first respondent and referring to the decision in *National Institute of Mental Health Neuro Sciences v. Dr. K. Kalyana Raman* 1992 Supp (2) SCC 481 held that the Selection Committee being administrative in nature, is under no obligation to record reasons for its decision when there is no rule or

regulation to record the reasons, (vide para no.9 of the judgment). The inference is that if there are rules providing for recording reasons, the reasons are to be recorded. In the same paragraph, the Hon'ble Supreme Court also approvingly quoted para 8 of the judgment of Dr. K.Kalyana Raman holding that the decision by the Selection Committee must be taken reasonably and without being guided by extraneous or irrelevant consideration as follows: "8. As to the first point we may state at the outset that giving of reasons for decision is different from, and in principle distinct from, the requirements of procedural fairness. The procedural fairness is the main requirement in the administrative action. The "fairness" or "fair procedure" in the administrative action ought to be observed. The Selection Committee cannot be an exception to this principle. It must take a decision reasonably without being guided by extraneous or irrelevant consideration. But there is nothing on record to suggest that the Selection Committee did anything to the contrary...." (emphasis added) This observation is in tune with that of R.S. Dass that if the selection is made on extraneous considerations and in an arbitrary manner the Courts have ample power to strike down. Coming to the decision in K.Rajaiah, the Hon'ble Supreme Court also noted in para 9 thereof that ".....That being the legal position, the Court should not have faulted the so-called down gradation of the first respondent for one of the years. Legally speaking, the term "down gradation" is an inappropriate expression. The power to classify as "outstanding", "very good", "good" and "unfit" is vested with the Selection Committee. That is a function incidental to the selection process. The classification given by the State Government authorities in the ACRs is not binding on the Committee. No doubt, the Committee is by and large guided by the classification adopted by the State Government but, for good reasons, the Selection Committee can evolve its own classification which may be at variance with the gradation given in the ACRs. That is what has been done in the instant case in respect of the year 1993-94. Such classification is within the prerogative of the Selection Committee and no reasons need be recorded, though it is desirable that in a case of gradation at variance with that of the State Government, it would be desirable to record reasons. But having regard to the nature of the function and the power confided to the Selection Committee under Regulation 5(4), it is not a legal requirement that reasons should be recorded for classifying an officer at variance with the State Government's decision....." (emphasis added) What the Hon'ble Supreme Court suggests is that for "good reasons", the Selection Committee can evolve its own classification which may be at variance with the gradation given in the ACRs. In other words, the variation in the grading or assessment must be for "good reasons". As a corollary, it can be said if "good reason" is not discernible; such variation in assessment will not be permissible. Secondly, though the Selection Committee may not record any reason, "in a case of gradation at variance with that of the State Government, it would be desirable to record reasons". The understanding of this Court, therefore, is that for making its own classification the Selection Committee need not record any reason but if there be variance in the gradation, it is desirable to record reasons. It may be noted that in Dr. K.

Kalyana Raman, the Hon''ble Supreme Court also observed that reasons need not be assigned when there is no rule or regulation to record reasons. The corollary is that if there is rule or regulation to record reason, the Selection Committee must do so. 13. The aforesaid judgment in K.Rajaiah was followed in Union Public Service Commission v. Arun Kumar Sharma, (2015) 12 SCC 600, which also referred to the decision in M.V. Thimmaiah v. UPSC, (2008) 2 SCC 119. In Thimmaiah's case, the Hon''ble Supreme Court observed that, 36. Therefore, in view of a catena of cases, courts normally do not sit as a court of appeal to assess ACRs and much less the Tribunal can be given this power to constitute an independent Selection Committee over the statutory Selection Committee. The guidelines have already been given by the Commission as to how ACRs to be assessed and how the marking has to be made. These guidelines take care of the proper scrutiny and not only by the Selection Committee but also the views of the State Government are obtained and ultimately the Commission after scrutiny prepares the final list which is sent to the Central Government for appointment. (emphasis added) Thus, in Thimmaiah's case, the Court emphasized the importance of the guidelines issued by the Commission. It is, thus natural that if the said guidelines are not properly followed, it may have adverse repercussions and vitiate the selection process. 14. In Union of India v. A.K. Narula, (2007) 11 SCC 10 the Hon''ble Supreme Court held that, "15. The guidelines give a certain amount of play in the joints to DPC by providing that it need not be guided by the overall grading recorded in CRs, but may make its own assessment on the basis of the entries in CRs. DPC is required to make an overall assessment of the performance of each candidate separately, but by adopting the same standards, yardsticks and norms. It is only when the process of assessment is vitiated either on the ground of bias, mala fides or arbitrariness, that the selection calls for interference. Where DPC has proceeded in a fair, impartial and reasonable manner, by applying the same yardstick and norms to all candidates and there is no arbitrariness in the process of assessment by DPC, the court will not interfere (vide SBI v. Mohd. Mynuddin (1987) 4 SCC 486, UPSC v. Hiranyalal Dev (1988) 2 SCC 242 and Badrinath v. Govt. of T.N.(2000) 8 SCC 395....." (emphasis added) 15. In Union of India v. S.P. Nayyar, (2014) 14 SCC 370 the Hon''ble Supreme Court held that "11. It is settled that the High Court under Article 226 of the Constitution of India cannot sit in appeal over the assessment made by the DPC. If the assessment made by the DPC is perverse or is not based on record or proper record has not been considered by the DPC, it is always open to the High Court under Article 226 of the Constitution to remit the matter back to the DPC for recommendation, but the High Court cannot assess the merit on its own on perusal of the service record of one or the other employee....." (emphasis added) 16. Some other observations of the Supreme Court on this aspect may be also relevant. In Union of India v. S.K. Goel, (2007) 14 SCC 641 the Supreme Court held that, 27. In our opinion, the judgment of the Tribunal does not call for any interference inasmuch as it followed the well-settled dictum of service jurisprudence that there will ordinarily be no interference by the courts of law in the proceedings and recommendations of DPC unless such DPC meetings are

held illegally or in gross violation of the rules or there is misgrading of confidential reports. (emphasis added) In *Anil Katiyar v. Union of India*, (1997) 1 SCC 280, the Supreme Court held that, " 4. Having regard to the limited scope of judicial review of the merits of a selection made for appointment to a service or a civil post, the Tribunal has rightly proceeded on the basis that it is not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it could not sit in judgment over the selection made by the DPC unless the selection is assailed as being vitiated by mala fides or on the ground of it being arbitrary. It is not the case of the appellant that the selection by the DPC was vitiated by mala fides." (emphasis added) Thus, in *Anil Katiyar*, the Hon'ble Supreme Court recognised that selection can be assailed on the ground of being arbitrary as also held in *R.S. Dass*. 17. From the above judicial pronouncements, the following principles can be gathered: (i) The Supreme Court has taken a consistent view that the Court normally does not sit as a Court of Appeal to assess ACRs which is the role of the Selection Committee and the Court cannot substitute with its own assessment. (ii) Normally, the Court will not interfere with the evaluation done by the Selection Committee. (vide *K.Rajaiah*). (iii) The decision of the Selection Committee in their assessment of the candidates therefore, cannot be interfered with by the Court. (iv) The Court is not expected to play the role of an appellate authority or an umpire in the proceedings of the DPC and that it could not sit in judgment over the selection made by the DPC unless the selection is assailed as being vitiated by mala fides or on the ground of it being arbitrary. (vide *Anil Katiyar*). (v) The Selection Committee being administrative in nature, it is under no obligation to record reasons for its decision when there is no rule or regulation to record the reasons, (vide *Dr. K. Kalyana Raman*). (vi) As a corollary, if there are provisions or rules for recording reasons the same may be done. (vii) Though the Selection Committee may not record any reason, "it is desirable that in a case of gradation at variance with that of the State Government, it would be desirable to record reasons" (vide *K.Rajaiah*). (viii) However, certain exceptions have been carved out and there are limited areas where the Court can interfere, viz., illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. (vide *Dalpat*). (ix) The procedural fairness is the main requirement in the administrative action. The "fairness" or "fair procedure" in the administrative action ought to be observed. The Selection Committee cannot be an exception to this principle. It must take a decision reasonably without being guided by extraneous or irrelevant consideration (vide *Dr. K.Kalyana Raman*). (x) It is only when the process of assessment is vitiated either on the ground of bias, mala fides or arbitrariness, that the selection calls for interference. (vide *A.K. Narula*) (xi) It is a well-settled dictum of service jurisprudence that there will ordinarily be no interference by the Courts of law in the proceedings and recommendations of DPC unless such DPC meetings are held illegally or in gross violation of the rules or there is misgrading of confidential reports. (vide *S.K.Goel*). (xii) If the selection is made on extraneous considerations, in arbitrary manner the courts

have ample power to strike down the same and that is an adequate safeguard against the arbitrary exercise of power." (vide R.S.Dass). (xiii) If the assessment made by the DPC is perverse or is not based on record or proper record has not been considered by the DPC, it is always open to the High Court under Article 226 of the Constitution to remit the matter back to the DPC for recommendation. (vide S.P.Nayar) (xiv) No doubt, the Committee is by and large guided by the classification adopted by the State Government but, for good reasons, the Selection Committee can evolve its own classification which may be at variance with the gradation given in the ACRs (vide K.Rajaiah). 18. From the above what can be said is that normally Court would not interfere with the recommendation made by the Selection Committee as the Court does not sit as a Court of Appeal over the decision of the Selection Committee. However, there are limited areas where the Court can intervene, viz, mala fide, arbitrariness, irrationality, etc as observed in the above mentioned cases. Keeping the aforesaid principles in mind, we will proceed to examine as to whether in the present case there is any scope for interference by this Court as regards the assessment of the petitioner by the Selection Committee. As we proceed to examine this, it may be relevant to examine the guidelines and procedures adopted in the matter of promotion to All India Services. The guidelines, a copy of which is annexed as Annexure A/7 Colly, made available to the petitioner by the UPSC on the basis of an application filed by the petitioner under Right to Information Act, 2005. The guidelines comprehensively deal with the procedure for assessment. Perusal of para 2.3 of the aforesaid guidelines makes it very clear that "for making an overall relative assessment, the Committee will not depend solely on the grading recorded by the reporting/reviewing/accepting authority but will make its independent assessment of the service records of the eligible officers as per the procedure indicated below." (emphasis added). In other words, the overall relative assessment to be made by the Selection Committee cannot be unfettered or absolute. It must be "as per the procedure indicated" in the said guidelines. In other words, such overall relative assessment has to be done "as per the procedures indicated" in the said guidelines. The use of expression "as per the procedure indicated below" puts a limitation on power of the Selection Committee to make the assessment. Such a power is qualified and circumscribed by the procedures indicated in the guidelines. Therefore, we have to examine the procedures indicated in the said Guidelines. The paragraph under the Heading A dealing with Span/Scope of Assessment of the said instructions mentions two kinds of assessments, viz. (i) Assessment Matrix and (ii) Overall Assessment. Assessment Matrix is the assessment made by the Committee in the assessment sheet in respect of the officer concerned, with reference to the year wise assessment which is different from the "Overall Assessment". Thus, the aforesaid provision of the said guidelines envisages two stages/kinds of assessments. First, there has to be an assessment of the officer year wise which constitutes the "Assessment Matrix" and ultimately the "Overall Assessment" is made on the basis of year wise assessment as reflected in the Assessment Matrix. As to the procedure to be adopted for filling up the Assessment Matrix, the same has been

provided under the paragraph with the Heading B mentioning the Procedure for Assessment. It has been mentioned in the said paragraph that the Selection Committee will go through the records of the eligible officers and make their assessment after deliberating on the quality of the officer as indicated in the various columns recorded by the Reporting/Reviewing officer/Accepting Authority in the ACRs for different years and then finally arrive at the classification to be assigned to each officer. While doing so, the Selection Committee would take into account orders regarding appreciation for the meritorious work done by the concerned officers. Similarly, it has been also mentioned that it would also keep in view orders awarding penalties or any adverse remarks communicated to the officer, which, even after due consideration of his representation, have not been completely expunged as mentioned in para 4.1 under the Heading B. Para 4.2 under Heading B is of utmost significance as far as this case is concerned, which provides that the Selection Committee would not be guided merely by the overall grading, if any, that may be recorded in the ACRs but would make its own assessment on the basis of the entries in the ACRs "because" sometimes the overall grading in an ACR may be inconsistent with the grading under various parameters or attributes. It has been further provided that if the Reviewing Authority or the Accepting Authority, as the case may be, has differed from the assessment made by the Reporting Officer or the Reviewing Authority, as the case may be, the remarks of the latter authority should be taken as the final remarks for the purpose of assessment provided that it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. The said para also mentions that if the remarks of the Reporting Officer, Reviewing Authority are complementary to each other and does not have the effect of overruling the other, then the remarks should be read together and final assessment made by the Selection Committee as indicated in para 4.1. "4.1 The Selection Committee will go through the records of the eligible officers and make their assessment after deliberating on the quality of the officer as indicated in the various columns recorded by the Reporting/Reviewing officer/ Accepting Authority in the ACRs for different years and then finally arrive at the classification to be assigned to each officer. The Selection Committee would take into account orders regarding appreciation for the meritorious work done by the concerned officers. Similarly it would also keep in view orders awarding penalties or any adverse remarks communicated to the officer, which, even after due consideration of his representation, have not been completely expunged. 4.2 The Selection Committee would not be guided merely by the overall grading, if any, that may be recorded in the ACRs but would make its own assessment on the basis of the entries in the ACRs because sometimes the overall grading in an ACR may be inconsistent with the grading under various parameters or attributes. Further, if the Reviewing Authority or the Accepting Authority, as the case may be, has differed from the assessment made by the reporting officer or the Reviewing Authority, as the case may be, the remarks of the latter authority should be taken as the final remarks for the purpose of assessment provided it is apparent from the relevant entries that the higher

authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting officer, Reviewing Authority are complementary to each other and does not have the effect of overruling the other, then the remarks should be read together and final assessment made by the Selection Committee as indicated in para 4.1. This is also in accordance with the DPC guidelines of DOP&T, as contained in its OM No.22011/5/86- Estt.(D) dated 10.04.1989 as amended from time to time." 19. The importance of para 4.2 lies in the fact that it indicates the reason why the Selection Committee had been given the authority or power to make its own assessment independently of the overall grading recorded in the ACRs, the reason being that sometimes the overall grade in the ACR may be inconsistent under various parameters or attributes. Further, there may be difference of opinion as regards the assessment by the Reviewing Authority or the Accepting Authority qua the Reporting Officer. In such events, the Selection Committee would be entitled to make its own independent overall assessment and need not be bound by the assessment in the ACRs. The said para further provides that normally that if the remarks of the Reporting officer, Reviewing Authority are complementary to each other and does not have the effect of overruling the other, then the remarks should be read together and final assessment made by the Selection Committee. Therefore, if the Selection Committee is given the independent authority to make its own assessment and not to be bound by the grading in the ACRs, the rationale for empowering the Selection Committee are enumerated in para 4.2. The clear inference that can be drawn is that the Selection Committee while making its independent assessment should do so within the parameters and upon the existence of contingencies as mentioned in para 4.2. In other words, para 4.2 provides the conditions where the Selection Committee can make its own independent assessment. Hence, under normal circumstances, if no such contingencies arise, there would be hardly any scope for making an assessment by the Selection Committee which may be different from the overall grading in the ACR. For example, if the overall grading in the ACR by the Reporting Officer, Reviewing Officer are consistent with the grading under various parameters or attributes with proper justification for the same, which is accepted by the Accepting Authority, there is no reason why the Selection Committee should make another assessment which may be different from the assessment/grading ACRs unless the Selection Committee feels that such assessment in the ACR is not compatible with the performance for which there must be something in the ACR which may compel the Selection Committee to take such views. In the same way, if the Reviewing Authority or the Accepting Authority has not differed from the assessment made by the Reporting Authority or the Accepting Authority as the case may be, there is no reason why the remarks of the Accepting Authority cannot be taken as the final remarks for the purpose of assessment and if the Accepting Authority has not come to a different assessment, there is no reason for the Selection Committee to make a departure and make a different assessment. Para 4.2 further provides that if the remarks of the Reporting officer, Reviewing Authority are complementary to each other and do not have the effect

of overruling the other, then the remarks should be read together and final assessment made by the Selection Committee. In such a situation of having complementary assessment, this Court does not see any reason why the Selection Committee should make a departure from such assessment in the ACR. Therefore, the scope of Selection Committee in making independent assessment is circumscribed by the provisions under para 4.2, since para 2.3 of the Guidelines makes it specifically very clear that such overall assessment made by the Committee is to be "as per procedure indicated " in the said guidelines. Thus, if the assessment made by the Selection Committee is not in conformity with the provisions of para 4.2, it cannot be said to be proper exercise of discretion. This Court, therefore, holds that the assessment by the Selection Committee is circumscribed by the procedures mentioned in the guidelines and if the said procedures are not adhered to or if Selection Committee goes beyond the procedure or violates or does not conform to these Guidelines, the Court can certainly intervene. In other words, though the Selection Committee is entitled to make its own independent assessment, the same has to be in terms of the procedures mentioned and if there is any irregularity or illegality in following the said procedures, the Court can intervene. This intervention would obviously involve examining the ACRs of the officers concerned. Such an exercise by the Court by scrutinizing records of the Selection Committee will invariably involve examination of the ACRs to satisfy itself that the Selection Committee had correctly undertaken the exercise and also ascertain whether the procedures laid down in the guidelines by the UPSC had been followed by the Selection Committee. This examination by the Court is not to be construed as an act of assessment of the service records by the Court which is not permissible as held by the Hon''ble Supreme Court, but rather scrutinizing the exercise undertaken by the Selection Committee in the context of the procedures laid down in the Guidelines. 20. In this regard, this Court would like to observe that though this Court cannot sit as a Court of Appeal over the assessment or decision of the Selection Committee as regards the general assessment of the candidates, if such assessment is found to be in violation of the "Wednesbury principle of reasonableness" such an assessment cannot be said to be beyond the judicial review. In *New Horizons Ltd. v. Union of India*, (1995) 1 SCC 478, the Hon''ble Supreme Court indicated the area of judicial review and scrutiny by holding that, "19. "Wednesbury principle of reasonableness" to which reference has been made in principle (5) aforementioned is contained in *Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn* (1948) 1 KB 223: (1947) 2 All ER 680.. In that case Lord Greene, M.R. has held that a decision of a public authority will be liable to be quashed or otherwise dealt with by an appropriate order in judicial review proceedings where the court concludes that the decision is such that no authority properly directing itself on the relevant law and acting reasonably could have reached it. In *Tata Cellular* (1994) 6 SCC 651 this Court, has mentioned two other facets of irrationality: (1) It is open to the court to review the decision-maker's evaluation of the facts. The court will intervene where the facts taken as a whole could not logically warrant the conclusion of the decision-maker. If the

weight of facts pointing to one course of action is overwhelming, then a decision the other way, cannot be upheld. (2) A decision would be regarded as unreasonable if it is partial and unequal in its operation as between different classes." (emphasis added) Therefore, if it is found that the assessment of the Selection Committee was in violation or not in conformity with the aforesaid guidelines issued by the UPSC or that such an assessment was irrational, and unreasonable within the scope of "Wednesbury principle of reasonableness", or where on consideration of the entire relevant facts, it does not warrant the conclusion of the decision maker, or it indicates otherwise, there is no reason why the Court cannot intervene appropriately. This intervention is not by way of usurping the role of the Selection Committee in making assessment of the records but by way of examining whether the Selection Committee had made proper assessment and reasonably and not irrationally and in conformity with the procedures laid down in the Guidelines. Arbitrariness is anathema to reasonableness as enshrined under Article 14 of the Constitution. Therefore, if any administrative authority has acted with arbitrariness, the same cannot be countenanced. That is the reason why the Hon"ble Supreme Court made the observation in R.S.Dass and Anil Katiyar (supra) that the selection can be assailed on the ground of arbitrariness. 21. Keeping in mind the procedures provided in the Guidelines in the light of the aforesaid principles we will now examine the contentions of the petitioner. As provide under para 3.1 under the Heading A, the Selection Committee after going through the service records of each officers has to record the assessment in the Assessment Sheet comprising the Assessment Matrix and thereafter the Overall Assessment has to be made. The Ld. Sr. Counsel appearing for the UPSC Respondent has produced copies of the ACRs of the petitioners as well as of the Respondents no. 4, 5 and 6. Having gleaned through these records, what this Court has observed is that in respect of the petitioner as well as these respondents, the Reporting, Reviewing Officers and the Accepting Authority have consistently given the same grading of "Outstanding" for all the relevant years with justifications. Thus, while the overall assessment of the Respondents no. 4, 5 and 6 by the Selection Committee as "Outstanding" may not be faulted, this Court expresses serious reservation regarding the overall assessment of the petitioner by the Selection Committee as "Very Good" only. 22. It is seen on an overview of the ACRs of the petitioner and the private respondents no.4, 5 and 6 that in all the columns and parameters given in the ACRs for all the relevant years, the Reporting, Reviewing Officers as well as the Accepting Authorities have given similar comments and observations and thereafter have assessed as "Outstanding". In other words, the tone and tenure of the comments and entries made by these authorities are similar, and in fact same, in respect of some for these officers. Para 4.1 under the Heading B and B.1 provides that the Selection Committee would take into account orders regarding appreciation for the meritorious works done by the concerned officers. The records produced before this Court do not contain any such separate orders in respect of the petitioner as well as these private respondents. However, there are remarks of appreciation for the works done by petitioner as well as these

private respondents. In respect of the respondent no. 4, there is the remark of appreciation that he has produced excellent results in streamlining the system of recruitment of Civil Service Officers. In respect of the Respondent no.5 similar appreciative remark has been made that the State Academy of Training (SAT) was a dead institution and he assisted in reviving it and bringing it into full bloom. Similar appreciative remarks have been also recorded in respect of the respondent no.6 that he was instrumental in achieving 55% of Photo Roll coverage in insurgency prone state. Thus, if the Selection Committee had made the overall assessment of these private respondents no. 4, 5 and 6 as "Outstanding", nobody can have any issue about it. At the same time, this Court has also observed that there are equally appreciative remarks about the performance of the petitioner as well. It has been commented by the Reporting and Reviewing Officers and agreed by the Accepting Authorities consistently that the petitioner has performed very well despite the very difficult situation in Manipur in the Education (S) Department and there is also the appreciative remark that under him, the Education Department has taken several strides in the right direction and he has made exceptional contribution in bringing about improvement in the school education administration. It may be mentioned that Education Department in the State is one of the most difficult assignments for any officer in the background of the insurgency related problems. The Reporting Officer, in the ACR of the petitioner for the period 01.04.2008 to 31.03.2009 had made the remark that "Active and successful handling of Education Deptt in Manipur is in itself a testimony of the officer's abilities" which speaks volumes about the ability of the petitioner and it may also be noted that the assessments of the Reviewing Officer and the Accepting Officers are complementary. With such appreciative remarks and without any blot on the service career of the petitioner by way of any adverse remark or uncomplimentary comment, this Court finds extremely difficult to accept the assessment of the petitioner by the Selection Committee merely as "Very Good" when the Selection Committee in similar cases of the respondents no. 4, 5 and 6 did not hesitate to assess them as "Outstanding". We are left with no clue from the records as to the basis on which the Selection Committee chose to assess him merely as "Very Good" in the teeth of complementary remarks by the Reporting/Reviewing and Accepting Authority and consistent grading by all the authorities as "Outstanding". In all the columns relating to honesty, integrity, fitness and character of the petitioner, there is no adverse remark but only appreciative remarks which are similar in nature with those of the other private respondents. His integrity has been assessed consistently as being beyond doubt, and all the superlative laudatory remarks have been recorded as in the case of other private respondents. These will be also clear from the brief comparative chart prepared by this Court containing the remarks reproduced almost verbatim in respect of all the important parameters of assessment by the Reporting/Reviewing Officers and Accepting Authorities for the relevant years (though in respect of the Respondent no. 5, the ACR for the period of 2006-07 has not been furnished to this Court). Perusal of this chart would show that petitioner and these private respondents

have been similarly assessed with appreciative and complementary remarks without any substantial difference in the assessment in the ACRs so as to justify any difference by the Selection Committee in the assessment of the petitioner to a lower grading. In fact as observed earlier, the tone and tenor of the remarks in the ACRs of the petitioner and these private respondents bear striking similarities as will be evident from the chart below. We have not observed any qualitative difference between the assessment of the petitioner and those of the private Respondents no. 4,5 and 6 in the ACRs for the Selection Committee to give a different and lower grading when it comes to the petitioner. 23. Para 4.4 of the Guidelines lays down the procedure for making the Overall Assessment. It stipulates that an officer shall be graded as "Outstanding" if in the opinion of the Selection Committee, the service records of the officer reflects that he is of outstanding merit possessing exceptional attributes and abilities and these characteristics are reflected in at least four of the ACRs for the last five years as indicated in paras 3.1 and 3.2 above including the ACR for the last year provided he is graded at least "Good" in the ACR of the remaining year. The other factors to be taken into account by the Selection Committee also have been enumerated in the sub-paragraphs therein. It has been also provided that "considering the fact that such "Outstanding" officers are going to supersede other officers, there is a greater need to ensure that such an officer has met the stringent norms of being graded as "Outstanding". For such purposes, the ACRs of the concerned officer should elaborate his significant achievements or exceptional nature of work in the areas of law and order, disaster management, implementation of developmental schemes, etc." As per the ACRs of the petitioner and the private respondents they had been consistently assessed as "Outstanding" by the respective authorities. Therefore, if the Selection Committee had not changed the gradation given in the ACRs, the petitioner normally by virtue of his seniority position would have been placed in higher placement to the private respondents no. 5 and 6 in the Select List. However, it is only because of the devaluation of the grading given in the ACR of the petitioner to "Very Good" by the Selection Committee that the private respondents no. 5 and 6 who are admittedly junior to the petitioner could steal a march over the petitioner. Therefore, if in view of the resultant supersession by the junior officers respondents no. 5 and 6 there was a greater need to ensure that such junior officers i.e. respondents no. 5 and 6 had fulfilled the stringent norms of being graded as "Outstanding" and also that the petitioner did not meet the requirements of being graded as "Outstanding" and that his performance was qualitatively inferior to these private respondents no. 5 and 6. As mentioned above, what we have noted is that the petitioner also possesses similar appreciative remarks and attributes as the private respondents No. 4, 5 and 6. We have also noted that the ACRs of the respondent Nos.4, 5 and 6 cannot be said to be qualitatively and substantially better than the petitioner so that the petitioner can be relegated to the grading of "Very Good". The comparative chart below will indicate the similarities in assessments in the ACRs of these officers. 2005-2006

Reporting Officer Reviewing Officer Accepting Officer Remark by the Court

M. Harekrishna (Petitioner) Whether fit for induction into IAS: Yes. Whether punished during period under report: No Integrity: Beyond Doubt General Assessment: Work turn out is very good, capable of taking up special responsibilities etc. Comment on character in general and value system: Possess high moral value and discipline and highly reliable officer. Grading: Outstanding Do you agree with the assessment by Reporting Officer: Yes, I agree. General remarks: Hardworking and dependable officer. I agree with the "Outstanding" grading given by the Reporting Officer. Accepted. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

Kh. Raghumani Singh (Respondent no. 5) Whether fit for induction into IAS: Yes. Whether punished during period under report: Nil Integrity: Beyond Doubt General Assessment: He is responsible, efficient with a positive attitude to work. Comment on character in general and value system: He is bold, frank and honest in his opinions. Very trustworthy & reliable in work and all dealings. His performance as JD/SAT having insurgency within the state was outstanding. Almost single handedly he restored the dying Academy to life & normal functioning. Grading: Outstanding Do you agree with the assessment by Reporting Officer: Yes. General remarks: The comments are justified and borne out by the facts on the ground. Special characteristics to justify out of promotion: He is efficient, intelligent and hardworking. He will shine in any deptt. As he has a firm grasp of financial & administrative Rules & regulations having worked in DP, Government of Manipur, earlier. Accepted. The Reporting and Reviewing officers were the same. All the Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

T.Ranjit Singh (Respondent no. 6) Whether fit for induction into IAS: On his turn. Whether punished during period under report: No such occasion has arisen. Integrity: His integrity is beyond doubt General Assessment: The officer is hardworking, industrious and very capable. He has acquired significant experience in election related matter and has performed his tasks to the fullest satisfaction of his Department. Comment on character in general and value system: The officer is sincere and highly reliable. He can be fully trusted and does not hesitate in giving correct advice. He works regarding intensive revision of rolls and resolution of issues relating to SLA in the State is highly commendable. Grading: Outstanding I rate him as an outstanding officer. Do you agree with the assessment by Reporting Officer: I agree. General remarks: I agree with the assessment of the Reporting Officer including "Outstanding" grading. Special characteristics to justify out of promotion: -----

The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

H.Gyan Prakash (Respondent no. 4) Whether fit for induction into IAS: Yes, fit. Whether punished during period under report: No Integrity: Beyond doubt General Assessment: He has produced excellent results as far as streamlining the system of recruitment of Civil Service Officers. Comment on character in general and value system: Trustworthy and well behaved officer. He is fair in judgment and frank in giving advice. Grading: Outstanding I grade his performance during the period as Outstanding. He has done excellent work in streamlining appointments of persons under die-in-harness, in Manipur Civil Service & other allied services. This involved formulating new rules for all these services. As a result, combined Civil Services Examination is being held for the first time in Feb.2006 & June, 2006. Do you agree with the assessment by Reporting Officer: Yes, I agree. General remarks: Agreed with the remarks and gradings. Special characteristics to justify out of promotion: Dependable and reliable officer. Accepted. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

2006-2007

Reporting Officer	Reviewing Officer	Accepting Officer	Remark
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M. Harekrishna (Petitioner) Whether fit for induction into IAS: He is fit for induction into IAS Whether punished during period under report: No comment Integrity: Beyond Doubt General Assessment: He displayed ability to take risks and measures that helped augment State's resources and streamline financial administration. Comment on character in general and value system: An honest and trustworthy and upright officer who takes along with him both peers and superiors in pursuing organisational objectives. Grading: Outstanding For the reasons stated above I have graded him "Outstanding" Do you agree with the assessment by Reporting Officer: Yes, I agree. General remarks: Graded as Outstanding. Hardworking and sincere officer. Accepted and graded as Outstanding. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

Kh. Raghumani Singh (Respondent No.5) No ACR report available for this year.

T.Ranjit Singh (Respondent no. 6) Whether fit for induction into IAS: On his turn. Whether punished during period under report: N.A. Integrity: Beyond doubt General Assessment: The quality of work of officer is excellent. He shows high degree of responsibility and has ably assisted in the conduct of General election to Assembly in 2007 with best results. Comment on character in general and value system: The officer is very sincere, hardworking and honest. He tenders frank advice and can be fully relied on in all matters of public importance. Grading: Outstanding Do you agree with the assessment by Reporting Officer: Yes. General remarks: Did perform exceptionally well during the recently concluded Assembly polls. - Outstanding. Special characteristics to justify out of promotion: ----- An outstanding

officer. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

H.Gyan Prakash (Respondent no.4) Whether fit for induction into IAS: fit. Whether punished during period under report: No Integrity: Beyond doubt General Assessment: He has produced excellent quality output and has streamlined working of the Department. Comment on character in general and value system: Always tenders objective advice. He is trustworthy and dependable. Grading: Outstanding Graded as Outstanding for work done in Personnel and AR Department. Do you agree with the assessment by Reporting Officer: I agree. General remarks: He is sincere and hardworking officer. Graded as Outstanding. Special characteristics to justify out of promotion: ----- Accepted. Graded as Outstanding. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

20.4.2007 to 31.03.2008

Reporting Officer	Reviewing Officer	Accepting Officer	Remark
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M. Harekrishna (Petitioner) Whether fit for induction into IAS: The officer is undoubtedly fit for induction into the IAS Whether punished during period under report: None Integrity: Beyond Doubt General Assessment: An excellent officer who can produce even under extenuating /aggravating circumstances. Comment on character in general and value system: The officer is straight-forward and has good character. He tenders frank & honest advice. The contribution made by him and the achievement as spelt out in his self-assessment certainly rank him as an Excellent Officer- an asset to any deptt/ organisation. Grading: Outstanding Do you agree with the assessment by Reporting Officer: Yes, I agree. General remarks: He is sincere, hardworking and reliable officer. I agree with the grading of the officer as outstanding. Accepted as Outstanding. He can be promoted to IAS even out of turn. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"			
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Kh. Raghumani Singh (Respondent no. 5) Whether fit for induction into IAS: Yes, Eminently fit as he is a very responsible officer. Whether punished during period under report: N.A. Integrity: During the period under record, Beyond Doubt General Assessment: He did very well in assisting me in reviving a sick & dying Academy. Comment on character in general and value system: He is very reliable & dependable & can be entrusted with big responsibilities. Grading: Outstanding The State Academy of Training (SAT) was a dead institution. He assisted me greatly in reviving it & bringing it into full bloom. His performance was Outstanding. Do you agree with the assessment by Reporting Officer: I agree General remarks: Graded as Outstanding. Hardworking and well targetted/focussed officer. Special characteristics to justify out of promotion: Accepted. The Reporting and Reviewing officers			
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were the same. All the Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

T.Ranjit Singh (Respondent no. 6) Whether fit for induction into IAS: Yes, on his turn. Whether punished during period under report: --- Integrity: Beyond doubt General Assessment: The officer shows high degree of sincerity and ability in work. He has ably assisted the CEO in conducting Assembly Elections, 2007 bye elections and preparation of Employees-Rolls and Photo Rolls. Comment on character in general and value system: He is a highly motivated officer who performs his tasks and duties with full commitment. The quality of his work is outstanding. He was instrumental in achieving 55% of Photo Roll coverage in insurgency prone state.. Grading: Outstanding Do you agree with the assessment by Reporting Officer: Yes General remarks: Found him to be very enterprising, had a comprehensive knowledge of the work. Outstanding officer. Special characteristics to justify out of promotion: ----- Accepted. Outstanding officer. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

H.Gyan Prakash (Respondent no. 4) Whether fit for induction into IAS: The officer is undoubtedly fit for promotion to IAS. Whether punished during period under report: No punishment was given to the officer during the period under report. Integrity: Beyond doubt General Assessment: The officer is a top class officer in all regards. Hard working and dependable, result oriented in approach. Comment on character in general and value system: An outstanding officer who tenders frank and honest advice to his superiors, he would be an asset to any organisation/deptt. Grading: Outstanding The contribution made by the officer in constituting the Jr. Manipur Civil Service starting from drafting stage for framing the Rules and thereafter constitution of the service needs special praise. Do you agree with the assessment by Reporting Officer: I agree. General remarks: He is hardworking, reliable and sincere officer. He managed cadre services, postings and formation of MCS, MFS and Jr.MCS cadres exceptionally well. Special characteristics to justify out of promotion: He drafted service rules and recruitment rules for MCS, MFS and Jr.MCS which is a very difficult job, in a time bound manner. Accepted as Outstanding. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

01.04.2008 to 31.03.2009/ April to June, 2009 (for Raghumani), 1st April, 2008 to 19th January, 2009 (for H. Gyan Prakash)

Reporting Officer	Reviewing Officer	Accepting Officer	Remark
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M. Harekrishna (Petitioner)	Whether fit for induction into IAS: Fit	Whether punished during period under report: No	Integrity: Is honest. General Assessment: Active and successful handling of Education Deptt in Manipur is in itself a testimony of the officer's abilities. Comment on character in general and value system: Frank and honest. Can take any responsibility and deliver. Has a
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bright future. Will go far. Grading: Outstanding "Outstanding" without doubt. Do you agree with the assessment by Reporting Officer: Yes, I fully agree. General remarks: He is a well balanced officer. Has a cool temperament and can discharge his duties efficiently and with a sense of responsibility. He is certainly an "Outstanding" officer. Accepted The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

Kh. Raghumani Singh (Respondent no. 5) Whether fit for induction into IAS: The officer is eligible and fit for induction into the IAS, on (OUT OF TURN BASIS) Whether punished during period under report: NIL Integrity: His integrity is beyond doubt General Assessment: He proved his mettle in formulating and implementing new programmes efficiently notwithstanding, the physical and financial constraints. Comment on character in general and value system: Quite frank and trustworthy Grading: Outstanding For the reasons given above, he is graded as OUTSTANDING Do you agree with the assessment by Reporting Officer: The assessment of the officer is realistic. General remarks: The grading of the officer as "OUTSTANDING" is based on facts and reasons. Special characteristics to justify out of promotion: His devotion to public service, willingness to accept new responsibilities and ability to work in trying circumstances would justify his promotion out of turn. Accepted. The Reporting and Reviewing officers were the same. All the Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

T.Ranjit Singh (Respondent no. 6) Whether fit for induction into IAS: Yes Whether punished during period under report: No Integrity: Is honest. General Assessment: Works like EPIC and PER are always in adverse circumstances in Manipur. His work speaks for itself. Comment on character in general and value system: Is the most reliable colleague to have. Has a bright future. Will go far in life. Grading: Outstanding Do you agree with the assessment by Reporting Officer: Yes General remarks: A competent officer, result-oriented. Special characteristics to justify out of promotion: -----

The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

H.Gyan Prakash (Respondent no. 4) Whether fit for induction into IAS: Yes. He is fit for promotion to IAS. Whether punished during period under report: No punishment was given. Integrity: Beyond doubt General Assessment: He is a top bracket officer with all the desirable traits i.e. hardworking, very dependable and result oriented approach. Comment on character in general and value system: He tenders frank and honest advice to the superiors, fulfils assurances and handles matters of self interest like any other i.e. under the rules/guidelines. Grading: Outstanding His contribution in preparation of various Cabinet Memos including the one for implementation of People With Disabilities Act and Draft Rules for the Manipur Reservation of Vacancies in Posts and Services (For SC & ST) Act deserves special mention. Do you agree with the

assessment by Reporting Officer: I agree. General remarks: Shri Gyan Prakash is a very bright and able officer. He has an extremely clear grasp and is able to express his view cogently. He richly deserves "OUTSTANDING" grading. Special characteristics to justify out of promotion: Dependable and reliable officer. Accepted. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

01.04.2009 to 31.3.2010 (For M. Harekrishna)/ July, 2009 to Feb, 2010 (For Raghumani)/ 01.4.2009 to 04.9.2009 (Ranjit)/ 20.1.2009 to 5.9.2009 (G.Gyan Prakash)

Reporting Officer	Reviewing Officer	Accepting Officer	Remark
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M. Harekrishna (Petitioner)	Whether fit for induction into IAS: Yes, the Officer fulfils all requirements for induction into the IAS. He will be an asset in the cadre. Whether punished during period under report: N.A. Integrity: Beyond Doubt General Assessment: Has performed very well despite very difficult situation in Manipur. For the last three years the Education (S) Department, under him, has taken several strides in the right direction. Comment on character in general and value system: Is a very meticulous officer who takes great care in delivery of assigned tasks. Has worked very well in a team and is capable of turning out outstanding results even in the most difficult and trying circumstances. Grading: Outstanding Graded "Outstanding" due to all the reasons mentioned above. Do you agree with the assessment by Reporting Officer: I agree. General remarks: The officer is intelligent, meticulous and has made exceptional contribution in bringing about improvement in the school education administration. Accepted as "Outstanding" for his exceptional contribution to improved school education administration. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"		
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Kh. Raghumani Singh (Respondent no. 5)	Whether fit for induction into IAS: Quite fit and rather, deserves OUT OF TURN promotion. Whether punished during period under report: N.A. Integrity: His integrity is beyond doubt General Assessment: Despite lack of resources-human and financial - the officer"s efforts succeeded in providing internet connectivity, launching SAT website, upgrading Computer Laboratory, etc. Comment on character in general and value system: An upright and trustworthy officer - he is an asset to the Government. Grading: Outstanding For the reasons given above, he is graded as Outstanding. Do you agree with the assessment by Reporting Officer: Fully endorsed for the reasons stated in the Report. The Officer worked indeed with a great sense of commitment to make significant achievement in new areas. General remarks: Same as that of Reporting Officer, including the grading as "OUTSTANDING". Special characteristics to justify out of promotion: His Willongness to take (new) responsibilities, resourcefulness and leadership qualities deserve commendation and OUT OF TURN PROMOTION. Accepted as "Outstanding". The Reporting and Reviewing officers were the same. All		
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the Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

T.Ranjit Singh (Respondent no. 6) Whether fit for induction into IAS: Yes Whether punished during period under report: No Integrity: Is honest General Assessment: General elections in Manipur are always demanding and an official directly dealing with the process. He has come out with flying colours. Comment on character in general and value system: He is a fantastic co-worker, a truly dependable and unselfish person. Has a bright future. Grading: Outstanding Without doubt. Do you agree with the assessment by Reporting Officer: Yes, we agree. General remarks: Shri Ranjit Singh assisted the CEO in conducting the Lok Sabha elections 2009 smoothly in Manipur. His performance has been rightly rated as Outstanding by the Reporting Officer. Special characteristics to justify out of promotion: ----- Accepted. The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

H.Gyan Prakash (Respondent no. 4) Whether fit for induction into IAS: As per his seniority & eligibility. Whether punished during period under report: No Integrity: Beyond doubt General Assessment: A very systematic, conscientious and hard working. Can work well in a team. Comment on character in general and value system: The officer is straight forward and can deal with complex issues with ease. Is diligent and hard working as well. Grading: Outstanding Graded "Outstanding". Do you agree with the assessment by Reporting Officer: Agreed. General remarks: An "outstanding" officer. Special characteristics to justify out of promotion: Disciplined and well mannered. Accepted as "Outstanding ". The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

05.9.2009 to 31.3.2010 (Ranjit)/ 07.9.2009 to 31.3.2010 (Gyan Prakash)

Reporting Officer	Reviewing Officer	Accepting Officer	Remark
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T.Ranjit Singh (Respondent no. 6) Whether fit for induction into IAS: He is fit. Whether punished during period under report: No. Integrity: Beyond Doubt General Assessment: Ranjit is a balanced, mature and responsible officer who is dedicated to his work..... and handles delicate situations with competence. Comment on character in general and value system: A very reliable and trustworthy officer. He can be dependent upon in most difficult situations. He has this..... Grading: Outstanding For all the reasons stated above, he was most deserving than Outstanding. Do you agree with the assessment by Reporting Officer: I agree completely. General remarks: The officer is truly "Outstanding" in performance for honesty & dedication to duty. Special characteristics to justify out of promotion: Yes, the officer is honest, dedicated and reliable. Accepted as "Outstanding" for the reason that the Officer has rare and exceptional qualities of honesty, dedication and reliability. The Reporting, Reviewing and Accepting authorities			
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consistently gave the same grading of "Outstanding"

H.Gyan Prakash (Respondent no. 4) Whether fit for induction into IAS: The officer is well suited for induction into the IAS. Whether punished during period under report: No , he has not been punished. Integrity: Beyond doubt General Assessment: The work output of Gyanprakash is of very high standard. The analytical depth and accuracy of his file notings and contributions in meeting and his knowledge of rules and regulations aided decision making at highest levels. In a very short period he grasped the essential issues pertaining to the varied functional responsibilities he held and delivered with promptness especially at the end of the financial year when pressures on the Finance Department multiplied. Comment on character in general and value system: He is intelligent, knowledgeable, disciplined and objective. He gives frank advice and does not hesitate to point out uncomfortable issues. I had full trust in his advice and depended on him for timely delivery on key matters. Grading: Outstanding Do you agree with the assessment by Reporting Officer: Yes, agreed. General remarks: Reporting Officer has correctly assessed the performance of Shri Gyanprakash as Outstanding. Special characteristics to justify out of promotion: Disciplined and efficient.

The Reporting, Reviewing and Accepting authorities consistently gave the same grading of "Outstanding"

24. It may be also noted that an apprehension was expressed by the petitioner that there was an Enquiry Report prepared by the State Government which allegedly contained certain adverse remarks about the performance of the petitioner. This, the UPSC and State Respondents have clarified that it had not influenced the members of the Selection Committee. In fact the Central Administrative Tribunal in the judgment categorically stated that "We do not find any mention of enquiry report against the applicant anywhere in the SCM minutes and therefore do not find any reason to believe that SCM was influenced by this act." Thus, the said report prepared by the State Government was not acted upon or taken into consideration by the Selection Committee. Therefore, if the only possible potential adverse material which the petitioner apprehended was used against him, was not brought on record nor considered by the Selection Committee as also recorded by the CAT in its judgment, this Court fails to understand the reason why the Selection Committee should make an assessment of the petitioner which is not consistent with the ACRs in the light of the observations made in the preceding paragraphs. Though, the Selection Committee would be within its jurisdictions and wisdom to make an independent assessment and not be bound by the gradation in the ACRs, there must be certain cogent reasons for arriving at a different and lower qualitative assessment and such an consideration must be done strictly in terms of the procedures laid down in the Guidelines as discussed above. True, though it has been held by the Hon'ble Supreme Court that the Selection Committee is not under any legal obligation to record the reasons for their decision, it is desirable

to do so as observed in K.Rajaiah. It may be also mentioned that, if the rules or regulations require giving reasons, it has to be done. In the present case, keeping in mind the procedures contemplated under the Guidelines, in absence of reasons given by the Selection Committee for assessing the petitioner as "Very Good" contrary to the consistent grading of "Outstanding" for all the relevant years by all the Reporting/Reviewing/Accepting Authorities, this Court had to undertake the exercise of examining the contents of the ACRs to determine as to the validity of the decision of the Selection Committee. This exercise undertaken by the Court is not to be assumed to be an exercise of assessment by this Court of the service records of the petitioner which is within the domain of the Selection Committee. The Court has undertaken this limited exercise only to ascertain as to whether there was any material which could conceivably be used to lower the assessment to "Very Good" and whether the Selection Committee had scrupulously followed the procedures laid in the Guidelines. True, this assessment by the Selection Committee is subjective. Yet, it does not mean that it can be an absolute discretion and untrammelled power to arrive at any decision without reference to certain materials. What this Court has found is that there is no adverse remark or material which could reasonably warrant lower assessment of the petitioner as "Very Good" in spite of the consistent grading given to him as "Outstanding" by all the authorities in his ACRs. We are not able to figure out any factor or material which might have compelled the Selection Committee to grade him as "Very Good" only, when in the ACRs of the petitioner and the aforesaid private respondents there is hardly any difference in the nature of remarks and quality of assessment by the all the authorities concerned. In fact, what we have observed is the similarity in the nature of assessment in all the parameters/columns of the ACRs as evident from the chart referred to above. The remarks, tone and tenure of comments in the ACRs of the petitioner when compared to those of the Respondents no. 4, 5 and 6 would overwhelmingly indicate towards a similar performance by the petitioner, thus warranting similar assessment of "Outstanding" in favour of the petitioner. 25. Therefore, this Court finds it difficult to accept the overall assessment of the petitioner by the Selection Committee as "Very Good" to be a reasonable one. In fact it virtually amounts to be a irrational one. If there were no material to justify assessment of the petitioner by the Selection Committee as merely "Very Good" in the teeth of similar consistent appreciative remarks and gradation as "Outstanding" in his favour in the ACRs as in the case of other private respondents, the only reasonable conclusion which can be arrived is that the assessment made by the Selection Committee is unreasonable and irrational within the meaning and scope of "Wednesbury Unreasonableness" , in which event it cannot be sustained and will be liable to be interfered with, which we have no hesitation to do so. 26. There is another aspect which has concerned us. Para 4.2 of the Guidelines which has been quoted earlier, makes it very clear that (i) if the Reviewing Authority or the Accepting Authority, as the case may be, has differed from the assessment made by the Reporting Officer or the Reviewing Authority, as the case may be, the remarks of the latter authority should be taken as the final remarks for the

purpose of assessment provided that it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. The clear inference that can be drawn from the aforesaid provision is that the remarks of the latter authorities should be given primacy. If one looks at the ACRs of the petitioner for the all relevant years, there is no jarring note by any of the higher authorities. On the contrary, the remarks and assessment by the higher authorities viz. the Reviewing Officer and the Accepting Authorities are complementary by endorsing the views and remarks of the lower authorities and all have graded the petitioner as "Outstanding". Therefore, we see no reason to ignore the grading of "Outstanding" given by the Reviewing Officer and Accepting Authority which had endorsed the assessment of the Reporting Officer, without any tangible and discernible reason, which we find to be absent in the present case. As already observed earlier, there was no adverse entry or remark or any uncomplimentary or undesirable comment anywhere in the ACRs which would justify the Selection Committee to take the view it has taken qua the petitioner. (ii) Para 4.2 further provides that if the remarks of the Reporting Officer, Reviewing Authority are complementary to each other and does not have the effect of overruling the other, then the remarks should be read together and final assessment made by the Selection Committee as indicated in para 4.1. In the present case, what we have noted is that remarks of the Reporting Officers and the Reviewing Officers in the ACRs of the petitioner for all the relevant years are complementary to each other and does not have the effect of overruling the other. Hence, the consistent grading of "Outstanding" given by the Reporting Officers and the Reviewing Officers endorsed by the Accepting Authority should be taken as the final assessment by the Selection Committee also. Since, there is no adverse remark in the ACRs, the said final assessment of "Outstanding" cannot be reduced to "Very Good" by the Selection Committee on the ruse that the Selection Committee is not bound by the grading in the ACRs. As has been specifically provided in the Guidelines, the assessment by the Selection Committee has to be done "as per the procedures indicated" in the Guidelines. These procedures which have statutory force cannot be jettisoned and ignored on the ground that the Selection Committee has freedom to make its own assessment independently irrespective of the grading in the ACRs. The assessments and grading in the ACRs have to be respected and given effect to wherever provided under the procedures. This Court is, therefore, of the view that the provisions of para 4.2 had not be properly followed and adhered to by the Selection Committee which vitiates its decision as far as the assessment of the petitioner is concerned. 27. Further, it may be noted that at the time of preparation of the Assessment Matrix, the petitioner must have been graded as "Very Good" only for most of the relevant 5 (five) years which can only justify giving the petitioner the Overall Assessment of "Very Good". The Court finds it difficult to accept, for the reasons discussed above that the Selection Committee would assess the petitioner for most of the relevant five years to be only "Very Good" in the face of the consistent assessment made by Reporting, Reviewing Officer and the Accepting authority in the ACRs as "Outstanding". 28. In this

context it may be also noted that when the Hon''ble Supreme Court was dealing with the case in K.Rajaiah, the Hon''ble Supreme Court noted that "The Selection Committee on an overall relative assessment of his service record assessed Respondent 1 as "Very Good" as he secured "Outstanding" only in respect of three years.". The Hon''ble Supreme Court also noted that "However, the Selection Committee graded him as "very good" in view of the difference of opinion expressed by the reporting officer and the reviewing officer. We do not find any unfairness or arbitrariness in grading the first respondent as "very good" for the year 1993-94. If so, as he gets "outstanding" grading only for three years, his overall grading cannot be "outstanding" in view of the existing guidelines adopted by the Commission." [vide para 11 in K.Rajaiah] However, in the present case, such is not the situation. The petitioner had been graded "Outstanding" consistently by the Reporting Officers and Reviewing Officers which were accepted by the Accepting Authority in all the five relevant years. Further, there was no difference of opinion amongst any of the authorities in all the ACRs and presence of any difference could only justify the Selection Committee to make its own assessment differently. If the respondents no. 4, 5 and 6 deserved to be assessed as "Outstanding" by the Selection Committee, we do not see any reason why the petitioner should not be also assessed as "Outstanding" considering the fact that there is hardly any substantial or qualitative difference in the nature of remarks in the ACRs of the petitioner and the aforesaid private respondents. 29. It may be also noted that the Hon''ble Supreme Court had observed in K.Rajaiah that,"However, we have some doubts on the validity of guidelines evolved in this behalf. The procedure of assigning the overall grading as "outstanding", only if an officer was classified as such in the ACRs of four out of five years, seems to dilute the procedure of selection by merit and give primacy to seniority to some extent. For instance, if a junior officer gets three "outstanding" grades and two "very good" gradings, the officers senior to him, though they might not have got "outstanding" even for one year, will be selected by virtue of their seniority. Whether this result that follows from the application of the criterion that is being adopted by the Commission is contrary to the statutory Regulations or whether such criteria would be violative of Articles 14 and 16, is a matter which might deserve serious consideration. But, in the absence of specific challenge to the rule or the procedural guidelines spelt out in the additional affidavit filed by UPSC and the arguments not having been advanced on this aspect, we are not inclined to express a definite opinion on this aspect. [vide para 12 in K.Rajaiah]. In spite of the aforesaid scepticism expressed, the case of the petitioner stands on a better footing in as much as the petitioner has been consistently graded as "Outstanding" in the ACRs in all the relevant 5 (five) years under consideration. 30. We would like to observe herein that though the Hon''ble Supreme Court had occasion to refer to the procedural guidelines issued by the UPSC generally, the scope, significance and effect of paragraphs no. 4.1, 4.2, 4.3, 4.4 etc. had not been specifically dealt by the Hon''ble Supreme Court. 31. The Ld. Sr. Counsel for the UPSC had made a feeble attempt to justify the assessment of "Very Good" by the Selection Committee of

the petitioner by contending that the concerned Minister of Education, though was not the authorised Accepting Authority for the purpose of recording of ACRs had acted as the Accepting Authority for the ACR of the petitioner for the period 20- 04-2007 to 31.03.2008 with the remark that the petitioner can be promoted to IAS even out of turn. Thus an attempt was made to portray the petitioner in poor light by indicating that the petitioner was trying to bring in political influence. This contention of the Ld. Sr. Counsel, this Court cannot be accepted for the following reasons. Firstly, this plea was never taken before the Central Administrative Tribunal nor in the written statement of the UPSC. So we are not inclined to accept this plea taken for the first time before us. Secondly, the petitioner was not responsible for the writing and custody of the ACRs. The concerned Minister had acted as the Accepting Authority in respect of the ACR for the period 2007-2008. Thereafter, in the subsequent ACRs, the appropriate authority (viz. the Chief Secretary of the State) had acted as the Accepting Authority. If there was certain irregularity in the concerned Minister acting as the Accepting Authority, it ought to have been rectified by the appropriate authorities in time, which however, was not done. There was no fault or involvement of the petitioner in the aforesaid act of the concerned Minister to act as the Accepting Authority and there is no such allegation to that effect also. Therefore, the petitioner could not be put to disadvantageous position and made to suffer on this account. Thirdly, further, presuming that such acceptance by the concerned Minister as the Accepting Authority is not permissible under the rules, the ACR for that period could not have been ignored altogether. The remarks and assessment of the Reporting and Reviewing Officers had to be given due consideration, both of whom had assessed the petitioner as "Outstanding" with proper justifications. Even, by wholly ignoring the ACR for the aforesaid period 2007-2008 as the Ld. Sr. Counsel would have liked, it cannot divest from the fact that in the remaining 4 (four) years, the petitioner had been consistently graded "Outstanding" by all the Reporting/Reviewing Officers and the Accepting Authorities. Para 4.4 of the Guidelines provide that for an Officer to be graded as "Outstanding" it must be reflected in at least four of the ACRs for the last five years. 32. As regards the contention of the petitioner that there was inconsistency in the assessment, this cannot be said to be without any basis. In para 4.3 under Heading B.2 Consistency in the Assessment Matrix across successive SCMs, it has been provided that the "Selection Committee, before finalizing the assessments in respect of the eligible officers, may compare the individual years" grading with the year wise grading assigned by the previous Committee. The year wise grading assigned by the Selection Committee should, as far as possible, be in consonance with the year wise grading assigned by the previous Committee unless the present Committee comes to the conclusion that there are adequate reasons for variance in the same. If this variation is leading to a change in the overall grading of the officer, it would be desirable to record the reasons for the change in the Assessment Sheet." The Selection Committee assessed the Respondent no. 14 as "Unfit" for the 2009 year but later graded him as "Very Good" and included in the Select List of 2010. Though the Selection

Committee had assigned the reason for declaring him "Unfit" for the year 2009 on the ground of certain penalty imposed on him, yet, they had not given any reason in the change in the Assessment by grading him as "Very Good" for the Select List for the year 2010. The Selection Committee was required to assign the reason as provided under Para 4.3 for the variance in the assessment which had not been done. It may be also noted that the Respondent no.4 was graded as "Very Good" by the Selection Committee for the purpose of the preparation of the Select List of 2009; however, he was graded as "Outstanding" while preparing the Select List of 2010. Having gone through the ACRs of the Respondent no.4, we are unable to understand why the Selection Committee took two different views. There is hardly any substantial change or difference or improvement in the ACRs of the Respondent no.4 for the relevant years to warrant drastic change in the grading from "Very Good" to "Outstanding". No reasons have been assigned for the variance in the assessment. 33. Coming to the last contention of the petitioner that he was put to disadvantageous position because an uncommunicated report prepared by the State Government which allegedly contained certain adverse reports against the petitioner, the Central Administrative Tribunal had already given a finding that no such report was mentioned anywhere in the minutes of the proceedings of the Selection Committee and therefore, the Tribunal did not find any reason to believe that the Selection Committee was influenced by this fact. In view of this finding which is not prejudicial to the interest of the petitioner, we need not dilate any further on this issue. As observed earlier, if such allegedly adverse report was not taken into consideration by the Selection Committee, it could not have been the basis for the Selection Committee to assess him only as "Very Good". There must have been other reasons, which we have failed to discern from the records as discussed above. 34. Under the circumstances and for the reasons discussed above, we are not able to agree with the assessment of the petitioner by the Selection Committee as "Very Good" as being not in conformity with and being violative of the procedures laid down in the Guidelines issued by the UPSC as discussed above and we are also of the opinion that the assessment of the Selection Committee in respect of the petitioner suffers from the vice of unreasonableness and irrationality which warrants interference by this Court. 35. We, accordingly, hold that the assessment in respect of the petitioner relating to Select List of 2010 needs to be reviewed while not disturbing the assessment of the respondents no.4, 5 and 6. Though we are of the opinion that taking all the facts into consideration, the petitioner deserves not less than the grading of "Outstanding" as in the case of the Respondents no. 4, 5 and 6, we refrain from declaring so as it would amount to usurping the role of the Selection Committee to make assessment and accordingly direct the Selection Committee to undertake the reassessment. 36. In the result, the writ petition is allowed and impugned Government Notification No. 14015/15/2011-AIS(I)-B dated 01.03.2012 issued by the Under Secretary, Government of India notifying and appointing the members of the State Civil Services to the Indian Administrative Services is set aside as far as the placement of the petitioner and the

Respondents no. 5 and 6 in the Select List 2010 is concerned. Consequently, the judgment and order dated 15.03.2013 passed in Original Application No. 212 of 2012 by the Central Administrative Tribunal, Gauhati Bench is also set aside, with the direction to the UPSC (Respondent no. 2) to reconvene the Selection Committee to make reassessment of the petitioner for the purpose of the Select List for the year 2010 by following the Guidelines issued by the UPSC and also keeping in mind the law and observations made by this Court in this regard as discussed above. Since this judgment does not affect the inclusion of the petitioner and the respondents in the Select List for the year 2010 but has interfered as regards the assessment of the petitioner which may affect only the placement in the Select List, let UPSC Respondent undertake the exercise as directed above within a period of 2 (two) months from today and issue a fresh Select List in respect of the year 2010 on the basis of the recommendation of the review Selection Committee meeting and the remaining official respondents will do the needful accordingly in terms of the revised Select List of 2010. It is also clarified that since the petitioner and the private respondents are already serving in the Indian Administrative Services and their appointments to the IAS are not disturbed, this order will have no effect as regards their service conditions expect for the inter se seniority positions which will be depended upon the recommendation of the review Selection Committee. The petition is allowed accordingly.