

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 991 of 2021

Shri Moirangthem Ravikumar Singh, aged about 31 years,
S/O (L) Moirangthem Achouba Singh, resident of
Lalambung Makhong Takhellambam Leikai, P.O. Imphal,
P.S. Lamphel, District Imphal West, Manipur – 795001.

... PETITIONER

-VERSUS-

1. The State of Manipur represented by the Chief Secretary (in-charge of Home), Government of Manipur, Secretariat, South Block, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
2. The Director General of Police, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
3. The Manipur Public Service Commission represented by the Secretary, MPSC, Office at North AOC, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
4. Shri Lamabam Rajesh Khuman, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.

5. Shri Khuraijam Boney Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
6. Shri Moirangthem Kajao Meetei, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
7. Shri Nongmeikapam Imocha Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
8. Shri S. Santosh Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
9. Shri Chongtham Bimol Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
10. Shri Nongthombam David Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter,

Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.

11. Shri Sanasam Suraj Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
12. Shri Moirangthem Romen Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
13. Shri Thokchom Bomcha Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
14. Shri Thokchom Brajakishor Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
15. Shri Ksh. Tomba Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.

16. Shri Phijam Sunil Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
17. Shri Laiphrakpam James Suresh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
18. Shri Yengkokpam Kayelkumar Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
19. Shri Hemam Haridas Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
20. Shri Mutum Peterson, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
21. Shri Moirangthem Ranjit Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter,

Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.

22. Md. Imdadullah Shah, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
23. Shri Potshangbam Siddhartha Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
24. Shri Kshetrimayum Dhiren Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
25. Shri Waikhom Surankumar Singh, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
26. Shri Thokchom Jotin Meitei, now serving as Sub-Inspector of Police, Manipur Police Department, C/O DGP, Manipur, Manipur Police Headquarter, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.

... **RESPONDENTS**

For the Petitioner	::	Mr. N. Zequeson, Adv. Mr. Th. Monish Anand, Adv.
For the Respondents	::	Mr. RS Reisang, Sr. Adv. for the MPSC Mr. S. Biswajit, Sr. Adv. Ms. Prista, Adv. Mr. Sh. Shyam Sharma, GA.
Date of Hearing and reserving Judgment & Order	::	30.08.2023
Date of Judgment & Order	::	04.10.2023

JUDGMENT AND ORDER
(CAV)

This writ petition has been filed by the petitioner for issuance of writ of certiorarified mandamus to quash the (i) impugned proceedings of the DPC meeting held on 23.12.2021 for promotion to the post of Sub-Inspector of Police (Male/Civil) so far as the DPC proceedings relates to promotion under the 15% out-of-turn category; (ii) impugned order dated 24.12.2021 insofar as appointments on promotion as Sub-Inspector of Police (Male/Civil) in the Police Department, Manipur under the 15% out-of-turn category are concerned and to direct the official respondents to appoint the petitioner to the post of Sub-Inspector of Police (Male/Civil) in the Manipur Police Department on promotion under

the 15% out-of-turn category based on his medals and achievements w.e.f. 24.12.2019 by convening a review DPC.

2. Brief facts are as follows:

The petitioner was appointed as Assistant Sub-Inspector of Police (Male/Civil) on direct recruitment on 4.2.2015. Since the appointment, the petitioner has been serving with great dedication and devotion to his duty and to the entire satisfaction of the higher officials without any adverse remarks till date. The petitioner has been awarded DGP's Commendation Roll with Disc on 19.10.2017 and also awarded a Good Service Mark vide order dated 4.10.2018 issued by the DGP, Manipur. The petitioner is also a meritorious sportsperson in the field of Taekwondo. While serving as Assistant Sub-Inspector of Police (ASI), the petitioner was selected to represent the State of Manipur in the 39th National Taekwondo Championship, 2019. In the National Taekwondo Championship in the Individual Senior Male Poomsae Event, the petitioner won gold medal representing the State of Manipur. In view of the achievements, the petitioner had a legitimate expectation for getting promotion to the next higher post under the Recruitment Rules of Sub-Inspector of Police (SI of Police).

2.1. The Director General of Police, Manipur had issued Standing Order No.189 dated 15.4.2021 to the effect that the achievements in sports shall be applicable only to those sports/game disciplines/events which are recognized by the All India Police Sports Control Board (AIPSCB) and that too at the International or National/Zonal Level.

2.2. The All India Police Games Rules came into force with effect from 1.12.2012 and Rule 5 therein provides the events included in the All India Police Games and the event of Taekwondo is included in the All India Judo Cluster under Rule 5(a)(v)(4). In other words, Taekwondo is a sports/discipline recognized by the AIPSSCB. In view of his achievements, the petitioner is eligible to be considered for promotion to the post of SI of Police under the 15% out-of-turn category in terms of the Recruitment Rules.

2.3. While so, vide impugned order dated 24.12.2021, as many as 134 ASI's have been appointed on promotion to the post of SI of Police in order of merit with immediate effect on the recommendation of a Class-II DPC meeting held on 23.12.2021, which includes 23 appointments on promotions under the 15% out-of-turn category. On perusal of the order dated 24.12.2021, the petitioner has reason to believe that several illegalities and

irregularities have been committed by the DPC in its meeting held on 23.12.2021 for consideration for promotion of ASI to SI of Police as several officers among the 23 appointees are not recipients of either category of medals.

2.4. The officers appointed at Serial Nos.119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133 and 134 are not the recipients of any gallantry medal or sports medal. The officers who are only recipients of Good Service Marks cannot be recommended by the DGP for promotion under the 15% out-of-turn category and their consideration and recommendation by the DPC for appointment on promotion as SI of Police is illegal, arbitrary and against the provisions of the relevant Recruitment Rules.

2.5. The achievements of other appointees mentioned at Serial Nos.112, 113, 114, 115, 116, 117, 118, 120, 127 and 130 under the 15% out-of-turn category are highly suspicious and doubtful as there are illegalities committed in the impugned DPC proceedings. When the petitioner has filed RTI application seeking certain information relevant to the DPC proceedings, the same has been rejected by the Police Department.

2.6. The impugned proceedings of the DPC meeting held on 23.12.2021 and the impugned order dated 24.12.2021 are in

violation of the order dated 22.12.2021 passed in WP(C) No.926 of 2021. The ineligible persons have been considered for promotion under the 15% out-of-turn category, while the petitioner who is eligible for promotion has been illegally left out and deprived of his rightful opportunity for promotion to the post of SI of Police. Such arbitrary act of the respondent authorities is violative of the fundamental rights of the petitioner guaranteed under Article 14 and 16 of the Constitution of India. Hence, the writ petition.

3. The respondents 1 and 2 filed affidavit-in-opposition stating that Schedule-A of Recruitment Rule of SI of Police has been superseded by the notification dated 17.12.2009. The DGP in order to streamline the system of out-of-turn promotion in respect of police personnel in the Manipur Police Department for promotion to Inspector of Police (Male/Female-Civil), Subedar, Sub-Inspector of Police (Male/Female), Jemadar Assistant Sub-Inspector of Police (Male/Female-Civil), Havildar, Head Constable (Male-Civil) and Head Constable (Female-Civil) issued Standing Order No.189 dated 15.4.2021 with the approval of the Home Department. In the Standing Order No.189, Good Service Marks are taken into account for awarding 1 mark per Good Service Mark (GSM) with maximum limit of 25 Good Service Marks.

3.1. It is stated that Taekwondo fighting is recognized by AIPSCB, however, its sub-event Poomsae is not recognized by AIPSCB. In respect of the petitioner, only one GSM is taken into account for consideration under the 15% out-of-turn promotion in the DPC. The gold medal in the sub-event Poomsae was not considered in the DPC as the Screening Committee had excluded the medal due to non-recognition by the AIPSCB. Hence, prayed for dismissal of the writ petition.

4. The third respondent/MPSC filed affidavit-in-opposition stating that no certificate or relevant documents have been produced to show that the petitioner had won gold medal representing the State of Manipur in the National Taekwondo Championship before the DPC in its meeting held on 23.12.2021 in connection with the appointment by promotion from ASI to SI of Police. In the Standing Order issued by the DGP, the methodology of awarding marks applicable to all out-of-turn promotions is provided at Para C(1) wherein GSM is mentioned as awarded by the DGP and carried 1 mark per GSM with a maximum limit of 25 GSMs.

4.1 It is stated that when the Deputy Secretary (Home) wrote a proposal letter dated 15.12.2021 to the MPSC for promotion

from ASI to SI of Police (Male/Civil), the name of the petitioner was appeared in the recommended list of ASI in order of seniority for consideration under the 15% category by the DPC at Serial No.91 of the seniority list. Pursuant to the proposal, the MPSC held DPC on 23.12.2021 for the total vacancies of 154 out of which 23 were under 15% out-of-turn quota promotion. The Committee after examining the achievements furnished by the Administrative Department along with the Integrity Certificates recommended 23 ASI for promotion to SI of Police wherein the name of the petitioner was not included, as the petitioner had achieved only 1 GSM and scored 1 point. The last recommended ASI under out-of-turn promotion in the above said DPC, namely respondent No.26 had achieved 3 GSM and scored 3 points which is much higher than the petitioner and more meritorious in terms of the achievements for the out-of-turn promotion. Therefore, there is no illegality or irregularity in the DPC proceedings. Hence, prayed for dismissal of the writ petition.

5. The private respondents filed affidavit-in-opposition stating that on the recommendation of the DPC meeting held on 23.12.2021 in association with the MPSC, the Deputy Secretary (Home), issued an order dated 24.12.2021 in the name of Governor thereby appointing the private respondents as SI of Police

(Male/Civil) under the 15% out-of-turn promotion quota. However, the petitioner has filed the present writ petition for quashing the order dated 24.12.2021 insofar as it relates to the appointment on promotion to the post of SI of Police in the Police Department under the 15% out-of-turn promotion quota.

5.1. It is stated that the private respondents were eligible for consideration for promotion to the post of SI of Police under the 15% out-of-turn promotion quota and the DPC had considered all the relevant documents including the ACRs of all the promotes including the private respondents in the meeting held on 23.12.201. The DPC while recommending the names of the private respondents had perused all the documents including the ACRs which were placed before them.

5.2. It is further stated that the petitioner had never participated any tournament in the discipline of Taekwondo conducted by the AIPSCB. Further, the petitioner has not produced any document to show that he is an outstanding player/sportsperson recognised by AIPSCB. The event Poomsae is not yet organized in any All India Police Meet/Championship by the Board. As such, any medal in that event cannot be considered for the purpose of promotion. Since the petitioner is not qualified

for promotion to the post of SI of Police, he has no locus to file the writ petition challenging the promotion of the private respondents. Hence, prayed for dismissal of the writ petition.

6. Assailing the impugned proceedings of the DPC meeting held on 23.12.2021 for promotion to the post of SI of Police (Male/Civil) relating to promotion under the 15% out-of-turn category and the appointment orders dated 24.12.2021 thereby appointing the private respondents as SI of Police on promotion under the 15% out-of-turn category, Mr. N. Zequeson, the learned counsel for the petitioner submitted that the petitioner has been serving as ASI from 4.2.2015 i.e. for more than eight years on regular basis. He won a gold medal representing the State of Manipur in National Taekwondo Championship, which is a sports discipline recognized by the AIPSCB and his participation therein had also been approved by the DGP, Manipur. In view of the achievements, the petitioner is eligible to be considered for promotion to the post of SI of Police in the Manipur Police Department under the 15% out-of-turn category in terms of the Recruitment Rules.

7. Mr. N. Zequeson, the learned counsel for the petitioner further submitted that, vide impugned order dated 24.12.2021, as

many as 134 ASIs have been appointed on promotion to the post of SI of Police in order of merit with immediate effect on the recommendation of DPC meeting held on 23.12.2021, which includes 23 appointments on promotion under the 15% out-of-turn category. According to the learned counsel for the petitioner, there are illegalities and irregularities committed by the DPC in its meeting held on 23.12.2021 for consideration of promotion to the post of SI of Police (Male/Civil) as several officers among the 23 appointees are not the recipients of either category of medals.

8. The learned counsel for the petitioner further submitted that respondents 11, 13 to 21 and 23 to 26 are not the recipients of any gallantry medal or sports medal, however, they have been considered for appointment on promotion under the 15% out-of-turn category.

9. Drawing this Court's attention to Rule 43(1) and (2) of Part-III of the Assam Police Manual, the learned counsel for the petitioner submitted that for recommendation by the DGP for appointment by promotion under the 15 out-of-turn category to the post of SI of Police, there is no room for taking into consideration the GSM awarded to the officers as the same has not been expressly provided in the Recruitment Rules. Thus, the

respondents 11, 13 to 21 and 23 to 26 who are only the recipients of GSM and they cannot be recommended by the DGP for promotion under the 15% out-of-turn category in terms of the relevant Recruitment Rules and their consideration and recommendation by the DPC for appointment on promotion to the post of SI of Police is illegal, arbitrary and against the provisions of the Recruitment Rules.

10. It is also the submission of the learned counsel for the petitioner that the achievements of the other appointees found at Serial Nos.112, 113, 114, 115, 116, 117, 118, 120, 127 and 130 in the impugned DPC proceedings under the 15% out-of-turn category is highly suspicious and the said persons cannot be considered for appointment on promotion under the 15% out-of-turn category. Since the ineligible persons have been considered for promotion under the 15% out-of-turn category, while the petitioner who is eligible for promotion is left out, the impugned proceedings of the DPC meeting held on 23.12.2021 and the consequential appointment order dated 24.12.2021 are liable to be set aside and the petitioner should be considered for promotion to the post of SI of Police under the 15% out-of-turn category for the achievements done by him.

11. Per contra, Mr. Sh. Shyam Sharma, the learned Government Advocate appearing for the respondent State submitted that though Taekwondo fighting is recognised by the AIPSCB, its sub-event Poomsae is not recognised by the AIPSCB. He would submit that as stipulated in the Standing Order No.189 dated 15.4.2021, GSMs are taken into account for awarding 1 mark per GSM with maximum limit of 25 GSMs. In respect of the petitioner, only 1 GSM is taken into account for consideration under the 15% out-of-turn promotion in the DPC. The gold medal in the sub-event Poomsae was not considered in the DPC as the Screening Committee has excluded the said medal due to non-recognition by the AIPSCB. The illegalities and irregularities in the proceedings of DPC pleaded by the petitioner are concocted. Only taking into consideration the achievements of the candidates, namely the private respondents, the impugned appointment orders in respect of the 15% out-of-turn category have been issued. Thus, a prayer has been made to dismiss the writ petition.

12. Mr. RS Reisang, the learned senior counsel for the Manipur Public Service Commission (MPSC) submitted that the petitioner has achieved only 1 GSM and scored 1 point, whereas the last recommended ASI under out-of-turn category promotion in the above said DPC had achieved 3 GSMs and scored 3 points,

which is much higher than the petitioner and more meritorious in terms of the achievements for the out-of-turn promotion. The learned senior counsel would submit that though the name of the petitioner was provided in the recommended list of ASI as issued by the DGP for promotion to the post of SI of Police in order of seniority for consideration under the 15% out-of-turn category by the DPC, since the petitioner has not fulfilled the criteria, the DPC has not considered his name. There were no lapses or irregularities in the above said DPC proceedings, as the DPC had recommended only the eligible and more meritorious incumbents for promotion under the 15% out-of-turn quota, which is purely merit based irrespective of seniority as per the relevant Recruitment Rules.

13. The learned senior counsel for the MPSC added that GSMs are awarded by the DGP. Moreover, in the Recruitment Rules, it is provided that 15% of the promotion quota shall be filled from ASIs having satisfactorily completed the probation and who have been recommended by the DGP for promotion by reason of their conspicuous acts of gallantry in discharge of official duties or who are outstanding sportsman recognized by the AIPSCB with two years regular service in the grade. The GSM awarded by the DGP considered as awards vide the Standing Order No.189, dated 15.4.2021.

14. Supporting the decision taken in the impugned DPC proceedings and the appointment orders, Mr. S. Biswajit, the learned senior counsels for the private respondents submit that on the recommendation made by the DPC in its meeting held on 23.12.2021, the impugned order dated 24.12.2021 has been issued thereby appointing the private respondents as SI of Police under the 15% out-of-turn category. The private respondents were eligible for consideration for promotion to the post of SI of Police under the 15% out-of-turn category and the DPC had considered the relevant documents and ACRs of all the promotees, including the private respondents in the meeting held on 23.12.2021. Only upon perusing the achievements done by the private respondents and the other related documents, the DPC had recommended the names of the private respondents for appointment on promotion to the post of SI of Police under the 15% out-of-turn category.

15. The learned senior counsels for the private respondents further submit that the petitioner never participate any tournament in the discipline of Taekwondo conducted by the AIPSCB. Further, the petitioner has not produced any document to show that he is an outstanding player recognised by the AIPSCB. Though the Taekwondo is recognised by the AIPSCB, its sub-event Pomsae is not yet organised in any All India Police Meet by the

Board. As such, any medal in that event cannot be considered for the purpose of promotion, which the DPC has rightly not considered the same. Furthermore, the said tournament in which the petitioner is claiming to have participated is not a National Police Championship. Since the petitioner is not qualified for the promotion to the post of SI of Police, he has no locus to file the writ petition questioning the recommendation and the appointment of the private respondents on promotion under the 15% out-of-turn category. Thus, a prayer has been made to dismiss the writ petition.

16. This Court considered the rival submissions and also perused the materials available on record.

17. The grievance of the petitioner is that he is eligible to be considered for promotion to the post of SI of Police in the Manipur Police Department under the 15% out-of-turn category in terms of the Recruitment Rules, as he won a gold medal representing the State of Manipur in National Taekwondo Championship in the Individual Senior Male Poomsae Event which is a sports discipline recognized by the AIPSCB and his participation therein had also been approved by the DGP, Manipur. However, ignoring the same while giving promotion to 134 ASIs which is inclusive of 23 appointments on promotion under the 15%

out-of-turn category, the name of the petitioner has been left out. According to the petitioner, such an act of the respondent authorities in not considering the name of the petitioner is arbitrary. Therefore, the impugned proceedings of the DPC in not considering the appointment of the petitioner for promotion under the 15% out-of-turn category and the consequential appointment orders are liable to be quashed and the petitioner has to be promoted to the post of SI of Police under the 15% out-of-turn category.

18. On the other hand, it is the plea of the official respondents that Taekwondo fighting though recognized by AIPSCB, its sub-event Poomsae is not recognized by AIPSCB. As far as the case of the petitioner is concerned, only one GSM is taken into account for consideration under the 15% out-of-turn promotion in the DPC. The gold medal in the sub-event Poomsae was not considered in the DPC as the Screening Committee had excluded the said medal due to non-recognition by the AIPSCB.

19. Rule 5 of the Rules of the All India Police Sports Control Board provides the Events. Under Rule 5(a)(v)(4), the event of Taekwondo Championship is included in the All India Police Judo Cluster.

20. The official respondents admitted that Taekwondo fighting is recognized by AIPSCB, however, they have disputed that its sub-event Poomsae is not recognized by AIPSCB. In this regard, the learned Government Advocate has drawn this Court's attention to the letter dated 13.1.2022 of the Addl. DGP (Trg.), Manipur, wherein it has been stated as under:

"With reference to your letter no. E/30/16/2021-PHQ (ADM)(ASI-SI)/503 dated 12th January 2022 regarding intimation whether Taekwondo sub-event "Poomsae" is recognised by All India Police Sports Control Board (AIPSCB) or not. The said event comes under the discipline of Taekwondo, whereas Taekwondo is recognised by AIPSCB, but the event Poomsae is not yet organised in any all India Police Meet/Championship by the board. Besides, a letter has also been sent to the Secretary, AIPSCB New Delhi regarding the above for clarification and the reply is still waited."

21. There is difference in the meaning of the words "organised" and "recognised". The Oxford dictionary defines "organize" as 'to make arrange for' or 'initiate, arrange for'. Thus, to organize means to make arrangement. On the other hand, the word "recognize" is defined as 'to realise or admit' or 'acknowledge

existence, validity, character or claims of' or 'show appreciation of, reward'. Thus, to recognize means to acknowledge the existence or validity of a thing or appreciate or reward.

22. It is undisputed that the sub-event Poomsae is not organized by the AIPSCB in All India Police Games. However, this does not mean that the said event Poomsae is not recognized by AIPSCB.

23. As could be seen from the order dated 27.5.2019 of the Taekwondo Federation of Manipur, it is clear that the petitioner and others were selected to represent the State of Manipur in the 39th National Taekwondo Championship at K.D. Singh Babu National Stadium, Lucknow from 14.6.2019 to 16.06.2019. In order dated 27.5.2019, the names of the players of Taekwondo male and female have been given. The message dated 7.6.2019 of the Assistant Sports Officer, Manipur Police Sports Club to the CO-1st MR also clearly states that the petitioner and two others namely Th. Praveen Singh and M. Romiyo Singh will be participating as players in the 39th National Taekwondo Championship organised by Taekwondo Federation of India at Lucknow from 14.6.2019 to 16.6.2019.

24. If really the event Poomsae is not recognised by the AIPSCB, how the authorities have permitted the petitioner and others to participate in the 39th National Taekwondo Championship. The order of Taekwondo Federation of Manipur and the message of the Assistant Sports Officer of Manipur Police Sports Club supra clearly indicate that the petitioner has played Individual – Senior Male – Male – Poomsae representing the State of Manipur.

25. Poomsae is also a very competitive aspect of Taekwondo and has a vibrant domestic and international circuit of competitions catering for novices through to elite athletes competing at world championship level. Taekwondo is variously translated as “*the way of hand and foot*” or “*the way of kicking and striking*”.

26. The clarification furnished in the letter dated 13.1.2022 is to the effect that the event Poomsae is not yet organized in any All India Police Meet by the AIPSCB. No clarification has been given to the effect that Poomsae is not recognized by AIPSCB. Mere reference of the letter of the Addl. DGP (Trg.) Manipur referred to supra, cannot be a ground to hold that the event Poomsae has not been recognized by AIPSCB.

27. Rule 5 of the All India Police Games Rules clearly states that the Taekwondo Championship shall be organised. The Rules further provide that Taekwondo competition will be conducted as per the latest Rules prescribed by the Taekwondo Federation of India.

28. There cannot be any dispute qua winning of gold medal by the petitioner representing the State of Manipur in the National Taekwondo Championship in the Individual Senior Male Poomsae Event. The petitioner and other players who had participated in the 39th National Taekwondo Championship are called as “Taekwondo Players (Men) of the Manipur Police Sports Club”, which means that whatever the sub-event of Taekwondo Championship (Men and Women) is coming under the Taekwondo Championship and Poomsae is the event of Taekwondo.

29. The petitioner also produced achievement report in respect of SSB Taekwondo team. On a perusal of the same, it is seen that various Taekwondo Championships were held, including 7th Senior National Poomsae Championship 2014 at Jaipur (Rajasthan) from 2.9.2014 to 5.9.2014 and the 8th National Senior Poomsae Championship 2015 at Visakhapatnam (AP) from 25.10.2015 to 27.10.2015.

30. It is to be pointed out that if the event Poomsae is not recognized and/or approved, Poomsae Championship would not have been conducted by the 7th Senior National Poomsae Championship 2014 and the 8th National Senior Poomsae Championship 2015. Only because the said event is approved and recognized by the appropriate authority, the Poomsae National Championships were organised. Therefore, the presumption is that the event Poomsae is recognized as the said event is coming under Taekwondo. Therefore, this Court is of the view that when the discipline of Taekwondo is recognized by the AIPSCB, the event of Taekwondo namely Poomsae is also considered to have been recognized by the AIPSCB and it cannot be said that event Poomsae is not recognised. In fact, the respondent authorities have admitted that the event Poomsae comes under the discipline of Taekwondo.

31. As rightly argued by the learned counsel for the petitioner, the petitioner had a legitimate expectation for getting promotion to the next higher post as he won gold medal representing the State of Manipur. It is no doubt true that the petitioner is an outstanding sportsman.

32. The Outstanding sportsmen recognized by the All India Police Sports Control Board appearing in the relevant Recruitment Rules does not mean participation only in tournaments conducted by the All India Police Sports Control Board. On a perusal of the Standing Order No.189 dated 15.4.2021, it is clear that medals obtained representing the country in international level or representing the State in National/Zonal level in sports/game disciplines/events recognized by the All India Police Sports Control Board are eligible for consideration for promotion under the out-of-turn category.

33. For promotion to the post of SI of Police, the Recruitment Rules stipulates – 50% of the posts are to be filled up by promotion and 50% by direct recruitment. The criteria for promotion is as follows:

“(1) 85% of the promotion quota shall be filled up from ASIs (Civil) having passed the pre-promotion selection test prescribed by the state Government after having satisfactorily completed the probation with 5 (five) years regular service in the grade.

(2) 15% of the promotion quota shall be filled from ASIs (Civil) having satisfactorily completed the probation, 3 (three) years regular service in the grade, having passed pre-promotion selected test

prescribed by the State Government and who have been recommended by the DGP for promotion by reason of their conspicuous acts of gallantry in discharge of official duties or who are outstanding sportspersons recognized by the All India Police Sports Control Board, Provided that –

(i) Officers recommended beyond the normal zone of consideration under category (2) above shall be placed below officers recommended under normal zone of consideration in the merit list.

(ii) If the promotion quota under Category (2) above cannot be filled up due to various reasons, the same may be filled up from the category (1) above during a particular recruitment year.”

34. Para C of the Standing Order No.189 dated 15.4.2021 speaks about the methodology of awarding of marks. Para C is quoted hereunder for ready reference:

“C Methodology of Awarding of Marks

1. The following method for awarding of marks shall be applied in all the Out-of-Turn promotions mentioned above in Rule (A).

a. President’s Police Medal for Gallantry – 30 marks

b. Police Medal for Gallantry – 25 marks

c. Chief Minister's Police Medal for Gallantry – 15 marks

d. Good Service Mark (GSM) awarded by the Director General of Police, Manipur – 1 mark per GSM with a maximum limit of 25 GSMs (i.e. 25 marks)

2. The following method for awarding of marks (with maximum limit of 25 marks) shall be applied in all Out-of-Turn promotions mentioned above in Rule (A) except for promotion to the ranks of Inspector of Police (Rule(A)(1) and Subedar (Rule(A)(2)).

a. Representing Country in International Level

(i) Gold Medalists/Winner – 15 Marks

(ii) Silver Medalists/Runner-up – 10 Marks

(iii) Bronze Medalist – 5 Marks

b. Representing State in National/Zonal Level

(iv) Gold Medalists/Winner – 3 Marks

(v) Silver Medalists/Runner-up – 2 Marks

(vi) Bronze Medalist – 1 Mark

The above methodology for awarding of marks shall be applicable to only those sports/game disciplines/events recognized by the All India Police Sports Control Board (AIPSCB).

N.B. Candidate(s) shall be recommended for Out-of-Turn promotion based on the consolidated/total marks achieved as per the above methodology.

“In case two or more officers get the same total marks then the inter se seniority will be determined by the age i.e. oldest officer to the youngest”.

35. The All India Police Sports Control Board Rules came into force from 1.12.2012. Rule 5 provides for events included in the All India Police Games. For proper appreciation, Rule 5 is quoted hereunder:

“5. Events

(a) The games shall comprise the following tournaments:

(i) All India Police Hockey Championship (Men only)

(ii) Shri B.N.Mullik Memorial All India Police Football Championship (Men only)

(iii) All India Police Volleyball Cluster consisting:

1. Volleyball Championship (Men & Women)

2. Basketball Championship (Men & Women)

3. Handball Championship (Men & Women)

4. Yoga Championship (Men & Women)

(iv) All India Police Wrestling Cluster consisting:

1. Weightlifting Championship (Men & Women)

2. Boxing Championship (Men & Women)

3. Wrestling Championship (Men & Women)

4. Kabaddi Championship (Men & Women)

5. Body Building Championship (Men only)

(v) All India Police Judo Cluster consisting:

1. Judo Championship (Men & Women)

2. Gymnastics Championship (Men only)

3. Wushu Championship (Men & Women)

4. Taekwondo Championship (Men & Women)

*(vi) All India Police Aquatic Meet & Cross Country
Race Championship (Men only)*

*(vii) All India Police Athletics (Men and Women)
Championship*

(viii) All India Police Shooting (Sports) Championship (Men & Women)

(ix) All India Police Water Sports Championship (Men only)

(x) All India Police Equestrian Championship & Mounted Police Duty Meet (Men only)

(xi) All India Police Lawn Tennis Championship (for Gazetted Officers only)

(xii) All India Police Golf Championship (for Gazetted Officers only)

(xiii) All India Police Badminton Championship (for both Gazetted & Non Gazetted Officers – Men & Women)

xiv) All India Police Archery (Men & Women) Championship”

36. Under Rule 5(a)(v)(4), the Taekwondo is included in the All India Police Judo Cluster. As stated supra, Taekwondo is a sports/discipline recognized by the AIPSCB. Since the event Poomsae is coming under the Taekwondo, it is also a sports/discipline recognized and organised by the Taekwondo Federation of India.

37. The plea of the petitioner is strengthened by the Certificate issued to the petitioner awarding gold medal for participation in the event “Individual – Senior Male – Male – Poomsae” in the 39th National Taekwondo Championship for Senior, Junior, Sub-Junior Pee-Wee Male/Female & Black Belt Senior 25th National Poomsae Taekwondo Championship. The said certificate would clearly prove that the event Poomsae has been conducted by the Taekwondo Federation of India and the petitioner had participated in the said Event representing the State of Manipur and won gold medal.

38. At this juncture, it is pertinent to note that Rule 35 provides that any sporting event recognised by the Indian Olympic Association/concerned National Sports Federation to which AIPSCB is affiliated to can be included in the All India Police Games. As stated supra, it is also undisputed that the event Poomsae is recognized by the Taekwondo Federation of India which is the National Sports Federation. Therefore, it can safely be concluded that Poomsae event is recognised by AIPSCB.

39. Out-of-turn promotions are the promotions which are given to any employee before the other employees who had right of promotion prior to the said employee. Such type of promotions are

given due to some exceptionally good work done by employee during his service

40. The respondent authorities, citing that Poomsae is not organised by All India Police Meet, have not considered the petitioner under the 15% out-of-turn category. When the participation in the National Taekwondo Championship by the petitioner has been approved by the DGP and based on the approval when the petitioner had participated and won gold medal, it is unfair on the part of the respondent authorities in not considering the gold medal won by the petitioner for the purpose of giving promotion under the 15% out-of-turn category. The factual scenario proves that the petitioner should be considered for promotion under the 15% out-of-turn category. The non-consideration of winning of gold medal by the petitioner in the event Poomsae representing the State of Manipur in National Taekwondo Championship is unacceptable.

41. The case of the petitioner is that in terms of the Recruitment Rules, under the 15% out-of-turn category, the DPC has to consider only those persons who have been recommended by the DGP by reason of their conspicuous acts of gallantry in discharge of official duties or who are outstanding sportsmen

recognised by the AIPSCB. According to the petitioner, as many as 134 ASIs (Male/Civil) have been appointed on promotion to the post of SI of Police (Male/Civil) on the recommendation of the DPC meeting held on 23.12.2021, which includes 23 appointments on promotions under the 15% out-of-turn category.

42. The further case of the petitioner is that in the impugned order dated 24.12.2021 the 15% out-of-turn category have been listed from SI. No.112 to 134. According to the petitioner, several officers among the 23 appointees are not recipients of either category of medals and are not recipients of any gallantry medal or sports medal. Similarly, the GSMs awarded to the officers have not been expressly provided in the relevant Recruitment Rules. The private respondents who are only recipients of GSMs cannot be recommended by the DGP for promotion under the 15% out-of-turn category and their consideration and recommendation by the DPC for appointment on promotion as SI of Police is illegal, arbitrary and against the provisions of the Recruitment Rules. According to learned counsel for the petitioner, ineligible persons have been considered for promotion under the 15% out-of-turn category leaving the petitioner, who is eligible for promotion under the 15% out-of-turn category.

43. Countering the plea of the petitioner, Mr. RS Reisang, the learned senior counsel for the MPSC submitted that in the proposal letter sent by the Deputy Secretary (Home) to the MPSC for promotion from ASI to SI of Police, the name of the petitioner was placed at Serial No.91. Pursuant to the proposal, DPC meeting was held on 23.12.2021 for a total vacancy of 154, out of which 23 were under the 15% out-of-turn category promotion. The Committee after careful examination of the achievements furnished by the Administrative Department recommended 23 ASIs for promotion to SI of Police wherein the name of the petitioner was not included, as he had achieved only 1 GSM. According to the learned senior counsel, the last recommended ASI under out-of-turn category in the said DPC had achieved 3 GSM and scored 3 points which is much higher than the petitioner. Therefore, there were no lapses or irregularities in the impugned DPC proceedings.

44. As far as awarding of points to the petitioner is concerned, this Court had taken into consideration the gold medal won by the petitioner for the event Poomsae. As per Standing Order No.184 dated 15.4.2021, if we take 3 marks and adding 1 GSM, totally the petitioner scored 4 points, which is much higher than the last recommended candidate.

45. Though the petitioner contended that the private respondents are ineligible persons for consideration under the 15% out-of-turn category, nothing has been produced to establish the same. On the other hand, the learned counsel for the private respondents submitted that the private respondents have been considered for promotion under the 15% out-of-turn category, as they are entitled for the same. There is nothing suspicious and doubtful regarding the promotion given to the private respondents. *Prima facie*, the respondent State and the MPSC have established that their action in giving promotion to the private respondents under out-of-turn category is based on the merits.

46. Mr. Sh. Shyam Sharma, the learned Government Advocate for the respondent State submitted that the private respondents have been promoted to the post of SI of Police and are performing their respective duties and functions without any complaint from any quarter and to the satisfaction of their respective superiors as on today shouldering the responsibility of member of law enforcement agency of the State.

47. It appears that the private respondents are recipients of medals for gallantry and based on their achievements only, they were considered for giving promotion to the post of SI of Police

under the 15% out-of-turn category. The petitioner has not questioned the proceedings of the DPC on the ground that the DPC has not followed the Office Memorandum dated 15.5.2014 issued by the Department of P&AR (Personnel Division) while recommending the names of the private respondents for giving promotion to the post of SI of Police under the 15% out-of-turn category.

48. In the absence of any proof produced by the petitioner to show that the private respondents are ineligible for promotion to the post of SI of Police under the 15% out-of-turn category, the petitioner, as a matter of right, cannot seek setting aside the impugned DPC proceedings dated 23.12.2021 in respect of the private respondents. On the other hand, the non-consideration of the petitioner by the same DPC for promotion under the 15% out-of-turn category for his gold medal won in the National Taekwondo Championship representing the State of Manipur is not acceptable and/or appreciable in view of the finding arrived at by this Court in the earlier paragraphs that the petitioner is eligible to be considered for promotion under the 15% out-of-turn category for his achievement in the National Taekwondo Championship.

49. In the light of the above, the respondent authorities ought to have considered the achievements made by the petitioner and the gold medal won. As stated supra, the gold medal won by the petitioner representing the State of Manipur in National Taekwondo Championship is a sports discipline recognised by the Taekwondo Federation of India. Rules 28 and 29 contain the provisions for awarding the police personnel who won medals in National Championships, Olympics, Asian Games, Commonwealth Games, etc. The undisputed fact remains that Poomsae is sub-event of Taekwondo.

50. This Court is of the considered view that since Poomsae is sub-event of Taekwondo which is recognized by AIPSCB, the Selection Committee ought not to have come to the conclusion that the Poomsae is not recognized by AIPSCB without any basis and citing the same, the gold medal achieved by the petitioner was wrongly and illegally rejected by the Committee and resultantly not considered by the DPC. Considering the given facts and circumstances of the case, the petitioner is entitled to be promoted as a meritorious sportsperson by giving due consideration of his gold medal won by him.

51. Pending writ petition, the petitioner has moved an application, being MC (WP) No.95 of 2023, to reserve one post of SI of Police. After hearing both sides, this Court, on 28.3.2023, passed the following order:

"[1] Heard Mr. N. Zequeson, learned counsel for the applicant; Mr. RS Reisang, learned senior counsel; Mr. S. Biswajit, learned senior counsel; Mr. N. Ibotombi, learned counsel for the respondents and Mr. H. Samarjit, learned GA for the respondents.

[2] The present Misc. case in MC(WP(C)) No. 95 of 2023 has been filed seeking to reserve one post of Sub-Inspector of Police (Male/Civil) in the Police Department, Manipur till disposal of the connected writ petition WP(C) No. 991 of 2021.

[3] Learned counsels appearing for the respondents also made no objection in allowing the Misc. case.

[4] Therefore, the MC(WP(C)) No. 95 of 2023 is allowed by directing the official respondents to keep one post of Sub-Inspector of Police (Male/Civil) felt vacant in the Police Department, Manipur till disposal of the connected writ petition WP(C) No. 991 of 2021."

52. Thus, pursuant to the order dated 28.3.2023, one post of SI of Police is reserved. As such, in the interest of justice, the petitioner can be accommodated in the said post even without disturbing the promotions already given to the private respondents. If such accommodation is made, no prejudice would be caused to either of the respondents. The petitioner can be given promotion notionally with effect from the date of promotion of the private respondents.

53. In the result,

- (i) The writ petition is allowed.
- (ii) The impugned proceedings of the DPC meeting held on 23.12.2021 for promotion to the post of SI of Police (Male/Civil) relating to the promotion under the 15% out-of-turn category insofar as not considering the petitioner is set aside.
- (iii) The respondent authorities are directed to take steps to appoint the petitioner to the post of SI of Police (Male/Civil) in the Manipur Police Department on promotion notionally under 15% out-of-turn category based on his medals and achievements with

effect from the date of promotion of the private respondents.

- (iv) The said exercise shall be completed by the respondent authorities within a period of twelve weeks from the date of receipt of a copy of this order.
- (v) There will be no order as to costs.

ACTING CHIEF JUSTICE

FR/NFR

Sushil