

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No. 8358 of 2017
Date of Decision: 23.05.2017**

Kulvir Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gurminder Singh, Sr. Advocate with
Mr. J. S. Gill, Advocate
for the petitioners.

Ms. Lavanya Paul, AAG, Punjab.

Mr. Dilbagh Singh, IPS
AIG (Training), Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioners herein have filed the instant writ petition under Article 226 of the Constitution of India seeking a writ in the nature of Mandamus for a direction to be issued that their names be considered under Rule 19.22 of Punjab Police Rules, 1934 for being sent to the Lower School Course after having completed three years of service as Drill Instructors in the Police Academy, Phillaur.

The petitioners herein were appointed as Constables and being meritorious, they were picked and chosen to be sent to Police Academy for Drill Training Course under Rule 19.20 of the said Rules. As per Rule 19.20, the Course was to be for two years to be held at the Police Training School commencing from 1st April to 15th August and from 1st October to 15th March. Under the said Rule, it was a duty, cast upon the

Superintendent, to personally select smart, literate Head Constables and Constables of good moral character and physique, who possess an aptitude for drill to attend this Course. In consonance with Rule 19.20, the petitioners herein were recommended by the Superintendent to undergo the training as Drill Instructors at Police Academy, Phillaur. Having completed the said course successfully, the petitioners, who were meritorious, were retained at the Academy to act and perform duties of Drill Instructors. Thereafter, the petitioners by relying upon Rule 19.22 of the Rules, approached the authorities concerned for sending them to attend the Lower School Course. However, their request was not acceded to. Aggrieved, the instant writ petition has been filed.

Rule 19.22 of the Punjab Police Rules, 1934 empowers the Principal, Police Training College, Phillaur to admit Drill Instructors/Physical Training Instructors/Riding Instructor and Driving Instructors, posted at the Police Training College, Phillaur, directly into the Lower School Course after they have served for a minimum period of three years. In fact, while retaining the petitioners back at the Academy, they were informed by letter dated 18.05.2013 that on completion of three years' service in Drill Staff, MT Staff and Riding Staff to Deputationist Constables *“facility of Lower School Course is being given under Rule 19.22 of Punjab Police Rules”*.

Notice of motion was issued in this writ petition for a short date and replies have been filed thereto. On the last date of hearing i.e. 15.05.2017, this Court while taking note of the fact that it is the Principal, Police Training College, Phillaur, who has to recommend the names of the Drill Instructors/Physical Training Instructors etc., a direction was issued to

the Principal to take a decision regarding forwarding the names of the petitioners if they are otherwise eligible for the Lower School Course which is to commence from 24.05.2017.

Pursuant to the orders issued by this Court, a speaking order has been passed today itself by the Director, Punjab Police Academy, Phillaur, wherein, in principle, it has been decided as under:

“It is, therefore, decided that these Constables, who are eligible for consideration under Rule 19.22 for admittance to Lower School Course and have put in satisfactory performance, would be nominated to the Lower School Course subject to condition that their number shall not exceed 10% of the total strength of candidates deputed to that course through BPT pathway. Those detained/attached earlier would take precedence. Further, officials who have attended the same Drill Instructor Course would be listed as per their merit in the said course irrespective of the fact that they joined at the Training Centre within a few days of one another. This would help maintain the much required fine balance between merit and discretion.”

In all 49 candidates have been found eligible to be deputed for the Lower School Course and it has been decided to send them in batches. A photocopy of the above said order has been placed on the record of the case.

In view of the fact that in principle a decision has been taken to send petitioners for Lower School Course, be it in batches, this Court is of the opinion that relief as sought in the writ petition in substance has been allowed by the respondents.

Mr. Gurminder Singh, learned senior counsel assisted by Mr. J. S. Gill, Advocate, appearing on behalf of the petitioners, at this point,

raises a concern that in case the petitioners are sent in batches, though they are entitled to be sent altogether, a dispute might arise regarding seniority of the petitioners *vis-a-vis* other candidates who will also be sent for the said course.

Ms. Lavanya Paul, learned Assistant Advocate General, Punjab, on the other hand, contends that the petitioners herein, in any case, would have stealing a march over the other candidates.

Be that as it may, this writ petition is being disposed of granting liberty to the petitioners herein to approach the Department concerned in case they have any grievance arising out of their seniority.

May 23, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No