

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28950 of 2019

Jameswar Jena & others

.....

Petitioners

Mr. K.K. Rout, Advocate

-Versus-

State of Orissa & others

.....

Opp. Parties

Mr. D. Nayak,
Addl. Government Advocate

CORAM:

**JUSTICE S. TALAPATRA
JUSTICE SAVITRI RATHO**

**ORDER
15.11.2022**

Order No.

10.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. K.K. Rout, learned counsel appearing for the petitioners.
3. By means of this writ petition, the order No.53336 dated 24.12.2018, Annexure-1 to the writ petition, has been challenged. By the said order dated 24.12.2018, it has been observed as follows:

“Training imparted to S.I. to test the grasp and understanding of the subjects taught. Those coming out successful in the examination will be suitable for taking higher responsibility and higher charge. Exempting officer from end of training examination would only mean

that some of the incompetent officers with inadequate knowledge of law and investigation will be in-charge of the investigation and law and order and public at large will suffer.

The precedence cited by the applicants regarding reduction of training and exemption at the end of training cannot be made applicable to the petitioners. The grant of reduction of training and waiving of examination was because of peculiar situation prevailing at that time which indicates that due to extreme inadequacy in training capacity, the training period was reduced. Keeping in view the urgent requirement, Government reduced the period of training and exempted the final examination by one time waiver and reduction.

In view of the above, these cases were examined and found as devoid of any merit and hence the relief sought for by these petitioners is hereby rejected.”

4. In Rule-31 of Orissa Police Service (Conditions of Service and Method of Recruitment of Sub-Inspector of Police) Order, 2006, it has been provided as follows:

“Where the Government, on a reference made by the D.G. & I.G. of Police or otherwise are satisfied that it is necessary or expedient to do so, it may by order, for reasons to be recorded in writing, relax any of the provisions of this Order with respect to any class or category of persons.”

5. The petitioners, having resorted to this Rule, sought for exemption from appearing in the post-training examination. But their request has been turned down assigning reasons.

6. Mr. Rout, learned counsel appearing for the petitioners has submitted that on previous occasions, such relaxations were made. To have the response in that regard, the order of rejection is sufficient, as the Government has provided reasons why they had relaxed the rules in the past. It has been stated that such relaxation was made to meet an administrative exigency, when the trained Police Officers were not available.

7. That apart, by this writ petition, Clause-28 of the Resolution dated 24.12.2018 has been challenged on the ground that the same stands contrary to the Core Committee report and ultra-vires to Article-14 of the Constitution of India. The extract of the said Core Committee report is available at Annexure-4 to the writ petition.

It is provided in para-4(1)(i) of the said report that a three-months course for Assistant Sub-Inspectors, selected for promotion to the rank of Sub-Inspector, may be designed. The input should be the same as in the basic course for Sub-Inspectors, with due regard to what the Assistant Sub-Inspectors are expected to have learnt already. The emphasis, the recommendation suggests, should be on

supervision and leadership, prevention and investigation of Crime with special reference to gang cases, heinous crime and scientific aids, social defence, new legislation and court rulings and maintenance of law and order. Assistant Sub-Inspectors or Head Constables are promoted directly as Sub-Inspector as per the said Service Rules. Those, who are selected for such promotion to the post of Sub-Inspector, should undergo the basic course.

8. According to us, the report of the Core Committee contains recommendations to the State Government. Unless such recommendations are adopted by amending the extent rules, the petitioner cannot claim any right on the basis of such recommendation. On close scrutiny of the impugned order, we do not find any infirmity vis-a-vis Article-14 of the Constitution of India. As such, this writ petition, being devoid of merit, stands dismissed.

9. Mr. D. Nayak, learned Addl. Government Advocate appears for the Opp. Parties on advance notice.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

