



W.A.No.2138 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.07.2025

PRONOUNCED ON : 31.07.2025

CORAM:

THE HONOURABLE MRS.**JUSTICE J. NISHA BANU**

and

THE HONOURABLE MR.**JUSTICE M.JOTHIRAMAN**

W.A.No.2138 of 2022

- 1.The Oil and Natural Gas Corporation Limited,
Represented by its General Manager (HR),
Corporate Recruitment,
Green Hills, Tel Bhavan,
Dehradun-248 003.
- 2.The Oil and Natural Gas Corporation Limited,
Represented by its Chief Manager (HR),
Cauvery Asset-HR/ER-Establishment Section,
Neravy Complex,
Karaikal-609 604. ...Appellants/Respondents 2 and 3

Vs.

- 1.B.Shankar
- 2.India Reserve Battalion,
Represented by the Commandant,
Puducherry.
- 3.The Secretary to Government,
Government of India,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi-110 001.



W.A.No.2138 of 2022

4.The Secretary to Government,
Government of India,
Department Defence,
No.101-A, South Block,
New Delhi-110 001.

...Respondents

*(*R3 and R4 are impleaded vide order dated 19.06.2024 made in C.M.P.No.12420 of 2024 in W.A.No.2138 of 2022*)*

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 11.04.2022 passed in W.P.No.23056 of 2015.

For Appellant : Mr.A.R.L.Sundaresan
Senior Counsel
assisted by Mr.Sai Srujan Tayi
for M/s.Giridhar and Sai

For Respondents : Mr.Srinath Sridevan
Senior Counsel for
Mr.P.Nethaji for R1
R2-No appearance

J U D G M E N T

(The Judgment of the Court delivered by Justice M. JOTHIRAMAN)

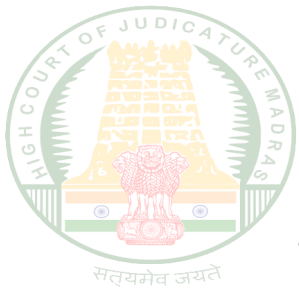
This Intra-Court Appeal has been filed against the order dated 11.04.2022 passed in W.P.No.23056 of 2015 by the Hon'ble Single Bench of this Court.



W.A.No.2138 of 2022

WEB COPY 2. The first respondent/petitioner herein, while serving as a Security Supervisor under the Oil and Natural Gas Corporation Limited (ONGC), Karaikal, had applied for the post of Security Officer, under Notification [Advertisement No.3/2015 (R &P)] issued in the year 2015. The essential qualifications prescribed for the post of Security Officer was Post-Graduate Degree with two years either in the Armed Forces or Central Police Organizations. The first respondent's online application was accepted by the appellants and accordingly, he had participated in the written examination and consequently, he was called for an interview on 23.06.2015. Thereafter, there was no response from the appellants which prompted the first respondent to send representations. Hence, he preferred the writ petition. The Writ Court, vide order dated 11.04.2022, has allowed the writ petition in the following terms:-

“The learned counsel for the petitioner also submitted that the service of the IRBn is governed by the Central Civil Services (Classification, Control & Appeal) Rules, 1965 [hereinafter referred to as “CCS/CCA Rules”]. This Court in the case of S.Rajaj vs. The Inspector General of Police, Puducherry and two others ordered in W.P.No.16967 of 2020 dated 03.12.2020, had ratified this proposition stating



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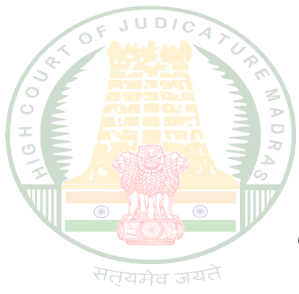


W.A.No.2138 of 2022

that the service regulations governing IRBn would be under the CCS/CCA Rules. This aspect further strengthens the case of the petitioner that the IRBn is a Central Civil Service also. Thus, when the petitioner possesses the required two years of experience under the IRBn, which is an Armed Force and also governed by the CCS Conduct Rules, the rejection of the petitioner's candidature on the ground that he did not possess the two years experience, cannot be justified.

10. When the Writ Petition was admitted on 29.07.2015, this Court directed the second and third respondents to keep one post vacant and in compliance of the order of this Court, the second and third respondents have also reserved one post. In view of the findings of this Court that the reasons for rejecting the petitioner's candidature cannot be sustained, it would be appropriate to direct the second respondent to issue appointment orders to the petitioner.

11. In the result, there shall be a direction to the second and third respondents herein to issue appropriate appointment orders, pursuant to the notification under Advertisement No.3/2015 (R & P) to the petitioner, by treating him to have possessed the required two years service experience, which is the essential qualification for the post of Security Officer in the vacancy reserved for the petitioner. Such orders shall be passed, atleast within a period of four weeks from the date of receipt of a copy of this



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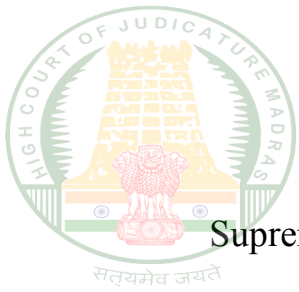


W.A.No.2138 of 2022

order. The Writ Petition stands allowed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.”

3. Aggrieved over the same, the appellants/ONGC have preferred this appeal.

4. The learned Senior Counsel appearing for the appellants would submit that the writ Court ought not to have held that India Reserve Battalion (IRBn) is deemed to be an Armed Force, because as per Section 2(a) of the Armed Forces (Special Powers) Act, 1958, the term “armed forces” refers only to military forces and armed forces of the Union, which are under the control of the Ministry of Defence. IRBn being part of the Puducherry Police does not satisfy this definition. The first respondent participated in the recruitment without raising any challenge to the prescribed eligibility. To strengthen his contention, he relied on the judgment of the Hon’ble Supreme Court of India in the case of ***K.A.Nagamani vs. Indian Airlines*** reported in ***(2009) 5 SCC 515***, the candidates who take part in selection process are estopped from later questioning the criteria. He also relied another judgment of the Hon’ble



W.A.No.2138 of 2022

Supreme Court of India in the case of ***Prakash Chand Meena and others vs. State of Rajasthan and others*** reported in ***(2015) 8 SCC 484***,

to show that in the matter of eligibility qualification, the equivalent qualification must be recognized as such in the recruitment rules or Government order existing on or before the initiation of recruitment process.

5. The learned Senior Counsel would further submit that the recruitment policy of ONGC, a Central Public Sector Enterprise, clearly restricted eligibility to those with experience in either the Indian Armed Forces or Central Police Organization. As such a direction to appoint the first respondent who is admittedly part of a State Police Force violates the letter and intent of the recruitment rules. IRBn are provided to the State on expenditure sharing basis to strengthen the State armed police machinery with a view to improving their capability of handing internal security, and law and order situation. Further, Section 2(xi) of the Army Act, 1950, defines “the Forces” which means the regular Army, Navy and Air Force or any part of any one or more of them. Thus, the members of the State Armed Force are not governed by the Act. The State Armed Police Forces exist in every State in addition to the ordinary Police



W.A.No.2138 of 2022

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services of the various states. The various States have different titles for their armed police units. To strengthen his contention, he has relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Union of India vs. Major General Shri Kant Sharma*** reported in (2015) 6 SCC 773, to show that the armed forces of the Union are those which are part of the defence services, constitutionally and statutorily defined. The appellants never allowed the candidates with the experience of State Police Organizations for the said interview. Allowing the first respondent to undergo interview will cause injustice to the other candidates having similar experience in other State Police Organizations. The online RTI request to the Ministry of Home Affairs and its reply filed by the counsel for the first respondent should not be taken into consideration. The Hon'ble Supreme Court of India has held in several cases that RTI responses are inaccurate, incomplete, or misleading and it cannot be used as evidence of the Government's stand on the issue. The application of these rules to IRBn cannot be a test at all much less a sole test to construe whether IRBn is a Central Police Organization. When the Central Government, Government of India, itself does not construe IRBn to be a Central Police Organization, the Court cannot direct such a construction. To strengthen his contention, he relied on the following judgments:-



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W.A.No.2138 of 2022

(i) *West Bengal Central School Service Commission and others vs. Abdul Halim and others reported in (2019) 18 SCC 39.*

(ii) *Maheshwari Prasad and others vs. State of Jharkhand and others reported in (2012) 5 SCC 439*

(iii) *Prakash Chand Meena and others vs. State of Rajasthan and others reported in (2015) 8 SCC 484*

(iv) *Union of India vs. Major General Shri Kant Sharma reported in (2015) 6 SCC 773*

(v) *Ganapath Singh Gangaram Singh Rajput vs. Gulubarga University Rep.by its Registrar and others reported in (2014) 3 SCC 767*

(vi) *K.A.Nagamani vs. Indian Airlines reported in (2009) 5 SCC 515*

(vii) *Bihar Public Service Commission and others reported in Kamini and others reported in (2007) 5 SCC 519*

(viii) *Basic Education Board, U.P vs. Upendra Rai and others reported in (2008) 3 SCC 432.*

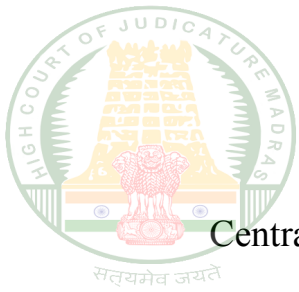
(ix) *Dr.M.C.Gupta and others vs. Dr.Arun Kumar Gupta and others reported in (1979) 2 SCC 339.*



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6. Per contra, the learned Senior counsel appearing for the first respondent/writ petitioner herein would submit that the appellants/ONGC issued a Notification for various posts including the post of Security Officer. The first respondent applied to the Notification under OBC Quota for the post of Security Officer. He was allowed to participate in the written examination but was not allowed to participate in the interview. The ONGC Advertisement makes two alternative and disjunctive eligibility criteria, namely, Armed Force, or Central Police Organization. He would submit that the India Reserve Battalion was constituted by the Ministry of Home Affairs bearing No.II.27011/10/2003 dated 26.02.2004 and it is also a Central Police Organization possessing police powers. Hence, the India Reserve Battalion falls within Armed Forces.

7. The learned Senior Counsel would further submit that the India Reserve Battalion is an armed force recruited under the process of the Central Government, but sent to the State Government with the right of recall by the Central Government at any given point in time. As per the Home Ministry Notification, the IRBn Scheme was formulated to overcome the increasing demand from the States for deployment of



W.A.No.2138 of 2022

Central Police Forces for law and order and internal security duties.

Therefore, the writ Court has held that the “Central Armed Police Forces” are Armed Forces of the Central Government and the term “Armed Forces” is a general term for any of the Armed Forces in the Country. The contention of the learned Senior Counsel with regard to Section 2(a) of the Armed Forces (Special Powers) Act, 1958 that IRBn will not fall within the term “armed forces” is not correct. The Armed Forces (Special Powers) Act, 1958, was introduced to deal with insurgencies in Border States. Therefore, the forces that can be used to deal with border disturbances are very different and specific. By the same yardstick, a different meaning of the word “armed forces” can be found in Bharatiya Nyaya Samitha, 2023 (“BNS” for short). Section 64 of BNS deals with “armed forces” which means the naval, army and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government.



8. The learned Senior counsel appearing for the first respondent

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W.A.No.2138 of 2022

9. We have considered the submissions made on either side and perused the records.

10. The point for determination in this writ appeal is as to whether the words “Armed Forces or Central Police Organisations” used in ONGC Notification vide Advertisement No.3/2015 will include India Reserve Battalion or not?

11. The first appellant issued Notification in the year 2015 bearing Advertisement No.3/2015 for various posts including the post of Security Officer. The eligibility criteria for the post of Security Officer are extracted below:-

2. Eligibility Criteria

2.1. Qualification & Experience Criteria:

<i>S. No</i>	<i>Name of the Post</i>	<i>Essential Qualification</i>	<i>Minimum percentage in Education Qualification</i>
<i>1.</i>	<i>Security Officer</i>	<i>Post Graduate Degree with 2 year service <u>with either Armed Forces or Central Police Organisation</u></i>	<i>Pass</i>



W.A.No.2138 of 2022

12. The first respondent applied to the Notification under OBC

Quota for the post of Security Officer. He was allowed to participate in the written examination but was not allowed to participate in the interview, since the experience of the first respondent with India Reserve Battalion does not amount to two year service with either Armed Forces or Central Police Organization.

13. It is seen from the records that the services recognized as Central Police Organizations, as per the list displayed by the Ministry of Home Affairs in its official website are as under:-

- (i) Civil Defence, Fire Services and Home Guards
- (ii) Intelligence Bureau
- (iii) Central Bureau of Investigation
- (iv) Bureau of Police Research and Development (BPRD)
- (v) National Crime Records Bureau
- (vi) National Investigation Agency
- (vii) Sardar Vallabhbhai Patel National Police Academy,
Hyderabad
- (viii) North Eastern Police Academy, Shillong
- (ix) National Institute of Criminology and Forensic Science.



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W.A.No.2138 of 2022

(NICFS)

(x) National Disaster Response Force. (NDRF)

14. Meanwhile, the first respondent filed W.P.No.23056 of 2015 seeking a writ of Mandamus directing the appellants to select and appoint the first respondent to the Post of Security Officer notified under the Notification under Advertisement No.3 of 2015 (R & P) by taking into consideration the experience obtained by the first respondent in the India Reserve Battalion. The writ Court, vide order dated 29.07.2015, has granted interim order to reserve one post and thereafter, vide order dated 11.04.2022, allowed the writ petition with a direction to issue appropriate appointment orders to the first respondent, by treating him to have possessed the required two years service experience, which is the essential qualification for the post of Security Officer in the vacancy reserved for the first respondent.

15. It is seen from the typed set of papers that the Government of India, Ministry of Home Affairs, bearing No.II.27011/10/2003/PF.II(i)/PF.IV dated 26.02.2004 had addressed a letter to the Chief Secretary, UT of Pondicherry, which reads as under:-



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W.A.No.2138 of 2022

*“ Subject :- Raising of India Reserve Bn. By
Government of UT of Pondicherry*

Sir,

I am directed to refer to this Ministry's letter number No.II.27011/10/2003-PF.II dated, 20th, November, 2003 and to enclose herewith fresh Guidelines for setting up of IR Battalions. It is requested that raising of the Bns. May be intimated and requirement of funds, if any for initiating the raising may kindly be intimated so as to enable us to release the requisite funds.”

16. The relevant portions of the guidelines for setting up of IR Battalions are extracted hereunder:-

“IV.Recruitment

Recruitment of personnel for the India Reserve Bns. Would be made by constitution of selection board by the State One representative shall be nominated by MHA from one of the CPFs who shall not be below the level of Commandant as observer of the selection procedure. The State Government should request in advance to the Ministry of Home Affairs prior to the recruitment process, for nominating suitable officer for the selection process Recruitment to IR Bns. Should be on the lines of the of recruitment to State Armed Police, recruitment of personnel which are followed at Annexure III as model to be followed however.



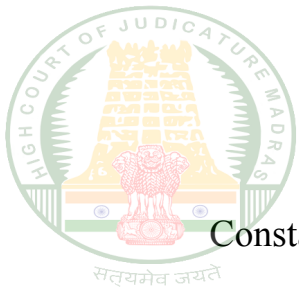
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VI. Charge of the Government of India.

The Government of India would exercise the right of first call on the India Reserve Bn. This means that Government of India would have full authority to ask the State Government to make the Bn available for deployment elsewhere in the country as and when required: The State Government would be bound by such guidelines and instructions as may be issued by the Central Government from time to time in this regard”.

17. As per the guidelines for setting up of IR Battalions for recruitment, it is clear that the recruitment of personnel for the India Reserve Battalions would be made by constitution of selection Board by the State. One representative shall be nominated by MHA from one of the CPFS who shall not be below the rank of the Commandant as observer of the selection procedure. It also shows that the selection should be on the lines of the recruitment to the State Armed Police, recruitment of the personnel which are followed at Annexure-III as model to be followed however.

18. It is seen from the affidavit filed by the first respondent before the writ Court that the first respondent was originally appointed as Police



W.A.No.2138 of 2022

Constable in India Reserve Battalion, Puducherry, with effect from 01.04.2005 and subsequently, was promoted as Head Constable on 27.10.2010 and continued to work till 16.03.2012 and thereafter, he got appointment as Sub-Inspector Grade-III with the Bharat Heavy Electricals Limited and he tendered his resignation to the post of Head Constable with the India Reserve Battalion. Therefore, he had seven years of experience with the India Reserve Battalion. The guidelines issued by the Ministry of Home Affairs either for Establishment for IRBn or making the IRBn available for deployment by Central Government to any part of the Country do not make the IRB as Armed Forces or Central Police Organization. The services recognized as Central Police Organizations as per the list displayed by the Ministry of Home Affairs in its official website (cited supra). The Central Police Organization as cited supra comes within the administrative and financial control and jurisdiction of the Ministry of Home Affairs, Government of India, whereas, IRBn, wherein the first respondent was employed was merely a State Police Force under the jurisdiction of the State Police, which in the instant case is the Puducherry Police.



19. It is relevant to refer Section 2(a) of the Armed Forces (Special Powers) Act, 1958, which was introduced to deal with insurgencies in Border States. To define the word “armed forces”, it is pertinent to extract Section 65 of BNS Act hereunder:-

“Armed forces” means the naval, army and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government.

20. The Constitution of India, in the 7th Schedule, Entry No.2 reads as follows:-

2. Naval, military and air forces; any other armed forces of the Union.

(emphasis supplied)

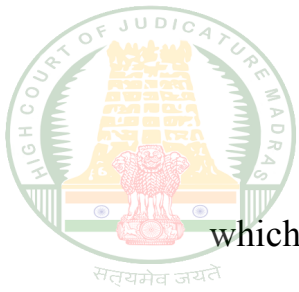
21. As per the guidelines issued for setting up of IR Battalions, it reveals that IRBn Scheme was formulated to overcome the ever-increasing demand from the States for deployment of CPFs on law and order and Internal Security Duties. It was felt that since the CPFS are



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being over stressed, there is a need to assist the States to reduce their dependence on CPFs. Further, the India Reserve Battalions are provided to the State on expenditure sharing basis to strengthen the State Armed Police Machinery with a view to improving their capability of handling internal security and law and order situation as also reducing their dependence on CPFS. The guidelines for setting up of IR Battalions would reveal that the India Reserve Battalions cannot be deemed to be an armed force. The writ Court has failed to note that the India Reserve Battalions are provided to the State on expenditure sharing basis to strengthen the State Armed Police Machinery.

22. This Court is of the opinion that merely by naming the India Reserve Battalions as State Armed Police, the India Reserve Battalions cannot come under the definition of Armed forces. Further, Section 2(xi) of the Army Act, 1950, defines “the Forces” which means the regular Army, Navy and Air Force or any part of any one or more of them. Therefore, the members of the State Armed Force are not governed by the Act. The definition and interpretation adopted by the appellant is that the Armed Forces means the Indian Armed Force and not the State Armed Force. The writ Court has failed to note the term of Armed Force



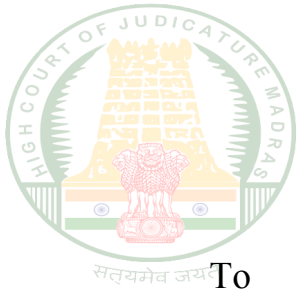
W.A.No.2138 of 2022

which would mean only the Central Armed Force under the Union and not otherwise and the reasons assigned by the writ Court for allowing the writ petition are not sustainable under law. When the Central Government, Government of India, itself does not construe IRBn to be a Central Police Organization, the writ Court cannot direct such a construction and there are merits in this writ appeal.

23. In view of the above discussion, this Writ Appeal is allowed and the order passed by the writ Court in W.P.No.23056 of 2015 dated 11.04.2022 is set aside. There shall be no order as to costs.

(J.N.B., J.) (M.J.R., J.)
31.07.2025

ssb
Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No



W.A.No.2138 of 2022

To
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W.A.No.2138 of 2022

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W.A.No.2138 of 2022

31.07.2025