

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

CWP-13708-2008 (O & M)
Date of Decision: 14.07.2025

Ashok Kumar and othersPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Dr. S.K. Redhu, Advocate,
for the petitioners.

Mr. Raman Sharma, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 27.11.2007 (Annexure P-3) whereby respondent has rejected representation of the petitioner seeking refixation of seniority.

2. There are four petitioners in the instant petition. The petitioner No.3-Raj Roop has passed away during the pendency of instant petition. They all had joined Haryana Police Force as Constable. They appeared for Lower School Entrance Test conducted by respondent in terms of Rule 13.7 of Punjab Police Rules, 1934 (for short 'PPR') (as applicable to State of Haryana). The relevant extracts of Rule 13.7 are reproduced as below:-

“13.7--Selection of candidates for admission to courses at the Police Training College. (1) List B (in Form 13.7) shall be maintained by each Superintendent of Police, it shall include the names of all Constables selected for admission to

the Lower School Course to be held at the Police Training College. Selection to the list B shall be made in the month of January each year and shall be limited to the number of seats allotted to the district for the Year. The number of seats in Lower School Course in a year shall be allotted on the basis of existing vacancies and the vacancies likely to be created within one year in the respective unit. 55% of the seats allotted to a unit in the Lower School Course shall be filled in on the basis of a competitive examination, 35% on the basis of seniority-cum-fitness and 10% on the basis of consistent outstanding performance in job/obtaining Gold or Silver Medal in All India Police Games/ Duty Meet/National Games or exceptional display of bravery during the course of performance of official duty. Selection of persons against 55% seats in B list/Lower School on the basis of merit shall be done by a Departmental Promotional Committee on the basis of—

- (i) Examination of service record; and*
- (ii) a competitive test (hereinafter called “B-I test”) in, —*
 - (a) Parade;*
 - (b) law and practical police work; and*
 - (iii) an interview.*

(2)(i) All constables irrespective of their educational qualifications shall be eligible to appear for B-1 test, if they are under the age of 35 years and have completed 5 years of service on the 1st day of January of the year in which selection is made. However, if a constable belonging to reserve category who is recruited after attaining the age of 27 years as per Government instructions/orders then he shall be allowed to appear for minimum three consecutive chances after completion of five years of service even if he has crossed the age of 35 years upto a maximum of 40 years of age.

- (ii) *All constables irrespective of their educational qualifications shall be eligible to be brought on list B-I, seniority-cum-merit basis if they are under the age of 40 years and have completed 5 years of service on the first day of January of the year in which selection is made.*
- (iii) *All constables irrespective of their educational qualifications shall be eligible to be brought on list B-I on the basis of consistent outstanding performance in job/obtaining Gold or Silver Medal in All India Police Games/Duty Meets/National or International Games or exceptional display of bravery during the course of performance of official duty if they are under the age of 40 years and have completed 2 years of service on the 1st day of January of the year in which selection is made. Only those constables shall be brought on list B-I after 2 years of service, but before 5 years of service who have won a medal in International Sports event like Olympics, Asian Games, Commonwealth games or similar International event. Constables who have won medals in National Games/All India Police Games/Duty Meets and who are being considered for exceptional bravery or consistent outstanding performance shall be considered only if, they have put in the minimum 5 years of service.*

3. They cleared entrance test and became eligible for Lower School Course. Their colleagues preferred **CWP-19945-2003** before this Court assailing inclusion of their name in list B-1 for the year 2002-2003. A Division Bench of this Court vide order dated 14.05.2004 directed the respondent not to send petitioners and two other similarly situated Constables for training till 24.05.2004. The said order was clarified vide order dated 04.07.2005. The Court directed the official respondents to

consider petitioners for sending them to the next course. The respondent deputed Virender Singh and Radhey Shyam for Lower School Course who were out of six persons considered in order dated 04.07.2005 passed in ***CWP-19945-2003***. In this way, the respondent deputed Virender Singh and Radhey Shyam for Lower School Course despite interim order of this Court, though, did not depute petitioners for Lower School Course taking the plea that there is stay by High Court. The stay was only for one week which is evident from order dated 04.07.2005 passed by this Court. The petitioners were finally deputed for Lower School Course in Batch No.46. They successfully cleared Lower School Course and their name were brought on List 'C' in 2006.

4. The petitioners are claiming that ***CWP-19945-2003*** was filed against present petitioners as well as Virender Singh and Radhey Shyam. The respondent, as per its convenience, deputed Virender Singh and Radhey Shyam for Lower School Course, though, taking excuse of interim order of this Court retained petitioners which substantially and adversely affected their career. The officials, who were deputed for Lower School Course in 2004, at present are holding rank of Inspector whereas petitioners are holding lower rank.

5. Mr. Raman Sharma, Addl. A.G., Haryana submits that interim order was passed by this Court on 14.05.2004. Constable Virender Singh and Radhey Shyam who were respondents in ***CWP-19945-2003*** had already been deputed to Lower School Course. Their result was declared on 18.05.2004 and their names were brought on promotion list C-1 vide order dated 29.06.2004.

6. The petitioners cleared requisite test alongwith a number of candidates. On account of interim order dated 14.05.2004 passed by this Court the petitioners were not sent for Lower School Course. The interim order was for a short period i.e. till 24.05.2004. the order dated 14.05.2004 is reproduced as below:-

“On May 7, 2004 the Court had directed the Chairman of the Selection Committee to file his own affidavit clearly stating therein whether the test was conducted by Committee as a whole or by one or more then one members in different groups.

The required affidavit has not been filed. Shri Sehwat requests for seven days time to enable the Chairman of the Selection Committee to file his affidavit.

The request of Shri Sehwat is accepted and the case is adjourned to May 24, 2004.

Since the officer concerned has failed to file the required affidavit within the stipulated time, we direct that the selected candidates i.e. respondent Nos 6 to 11 shall not be sent for training till May 24, 2004.”

6.1 The aforesaid order was clarified by this Court vide order dated 04.07.2005. The order dated 04.07.2005 is reproduced as below:-

“Mr. Sidhu states that the petitioners have since been allowed to complete the course.

The writ petition is accordingly disposed of as infructuous.

In view of the fact that respondents Nos 6 to 11 were not sent for the course in question on account of the stay order granted by this Court on 14.5.2004 (although it was only for one week), we direct the official respondents to consider their case for sending them to the next course.”

7. Similarly situated Constables were deputed for 42nd Batch of Lower School Course whereas petitioners were deputed for 46th Batch of



Lower School Course. They successfully cleared their Lower School Course. They have been prejudiced without any fault on their part.

8. Keeping in mind interim orders passed by this Court and the fact that similarly situated Constables were deputed for 42nd Batch, this Court finds it appropriate to declare that petitioners be treated as part of 42nd Batch. They shall be entitled to consequential benefits. Arrears, if any, would not carry interest. Needful shall be done within 3 months from today.

9. Disposed of.

10. Pending application(s), if any, shall also stand disposed of.

14.07.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
Yes