IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 3445 of 2025

.....

1. Uttam Tiwari, aged 31 years, son of Shri Dashrath Tiwari, resident of Village-Bhagwatidih, P.O.-Markacho, P.S.-Markacho, District-Koderma.
2. Abijeet Kumar, aged about 30 years, son of Shri Kanhaiya Prasad, resident of Village-Koriyadih Nawada Basti, P.O.-Jhumri Telaiya, P.S.-Telaiya, District-Koderma.
3. Nirmal Kumar Mahto, aged about 30 years, son of Shri Nandlal Mahto, resident of Village-Govindpur 'e', P.O.-Bokaro Thermal, P.S.-Bokaro Thermal, District-Bokaro.
4. Prashant Kumar Mishra, aged about 33 years, son of Shri Raj Kishor Mishra, resident of Mohalla-Jhiri, Ravi Steal Chauk, P.O.-Kamre, P.S.-Ratu, District-Ranchi.
5. Krishna Kumar Tiwari, aged about 30 years, son of Late Satya Narayan Tiwari, resident of Village-Parsudih, Tatanagar, East Singhbhum, P.O.-Tatanagar, P.S.-Parsudih, District-East Singhbhum.
6. Sashi Prakash, aged about 32 years, son of Shri Raj Kumar Gope, resident of Mohalla-Maira Para, Hirapur, P.O. & P.S.-Dhanbad, District-Dhanbad.
7. Ghanshyam Kumar, aged about 30 years, son of Shri Kaushal Kishor Singh, resident of Village-Chaurasi, P.O. & P.S.-Karay Parsuray, District-Nalanda (Bihar).
8. Govind Kumar, aged about 31 years, son of Shri Khemlal Saw, resident of Village-Romi, P.O.-Surajpura, P.S.-Padma O.P., District-Hazaribagh.
9. Sumit Saw, aged about 29 years, son of Shri Kedar Saw, resident of Village-Ajidih, P.O.-Budhiyadih, P.S.-Muffasil, District-Giridih.
10. Kashyap Gautam, aged about 33 years, son of Shri B.P. Sharma, resident of Village-Kargali Kala, P.O.-Kubri, P.S.-Dhanwar, District-Giridih. …….. **Petitioners**

Versus

1. The State of Jharkhand, through the Secretary/Principal Secretary, Home, Prison and Disaster Management Department, having office at Project Building, Dhurwa, P.O. & P.S.-Dhurwa, Town & District-Ranchi.
2. The Director General of Police, Jharkhand, having office at Police Headquarters, Dhurwa, P.O. & P.S.-Dhurwa, Town and District-Ranchi.
3. The Deputy Inspector General of Police (Personnel), Jharkhand, having office at Police Headquarters, Dhurwa, P.O. & P.S.-Dhurwa, Town and District-Ranchi.
4. Mukesh Kumar, S/o Shri Ram Binod Singh, resident of Mohalla-North Shivpuri, Hazaribagh Sadar, P.O.-Hazaribagh, P.S.-Lohsinghna, District-Hazaribagh.
5. Rajendra Sinku, S/o Shri Soma Sinku, resident of Baliaposi, P.O.-Khairpal, P.S.-Majhgaon, District-West Singhbhum.

…… **Respondents**

With

W.P.(S) No. 5407 of 2025

1. Praveen Kumar Gupta, aged about 35 years, S/o Perdeshi Sah, R/o Rehla Kalam, Daltonganj, P.O. & P.S.-Rehla, District-Palamu.
2. Manish Kumar, aged about 32 years, S/o Bipin Kumar, R/o near Hanuman Mandir, Kendua, Kathgola Maidan, Kusunda, P.O. & P.S.-Kusunda, District-Dhanbad.
3. Vivek Kumar Dubey, aged about 34 years, S/o Rajendra Dubey, R/o Ward No.-02, Village-Khajuri, Lagma, P.O. & P.S.-Garhwa, District-Garhwa.
4. Sumit Kumar Das, aged about 35 years, S/o Bharat Ram Das, R/o Nagri Kala, Katras, Chandor, P.O. & P.S.-Tetulmari, District-Dhanbad.
5. Ravi Kumar Yadav, aged about 33 years, S/o Late Dilip Yadav, R/o Nya Tola, Kalyani Marajpur Bazar, P.O. & P.S.-Maharajpur, District-Sahebganj.
6. Uday Kumar Das, aged about 37 years, S/o Wakil Ram, R/o Churchu, P.O. & P.S.-Ichak, District-Hazaribagh.
7. Deopratap Pradhan, aged about 32 years, S/o Sheobali Pradhan, R/o Bero, P.O. & P.S.-Bero, District-Ranchi.
8. Sikesh Kumar Yadav, aged about 34 years, S/o Janeshwar Yadav, R/o Village-Baghana, Pachmo, P.O. & P.S.-Hariharganj, District-Palamu.
9. Purusotam Sharma, aged about 29 years, S/o Triloki Sharma, R/o Gandhi Nagar, Gaya Road, near St. Joseph School Par Nawada, P.O. & P.S.-Nawada, District-Nawada, Bihar.
10. Zishan Akhtar, aged about 29 years, S/o Md. Shahid, R/o Amwatikar, Latehar, Hsgali, P.O. & P.S.-Latehar, District-Latehar.

……. Petitioners

Versus

1. The State of Jharkhand, through the Principal Secretary, Department of Home, Jail and Disaster Management, at Jharkhand Police Headquarters, P.O. & P.S.-Dhurwa, District-Ranchi.
2. The Director General of Police, at Jharkhand Police Headquarters, P.O. & P.S.-Dhurwa, District-Ranchi.
3. The Inspector General of Police (Personnel), at Jharkhand Police Headquarters, P.O. & P.S.-Dhurwa, District-Ranchi.
4. The Deputy Inspector General of Police (Personnel), at Jharkhand Police Headquarters, P.O. & P.S.-Dhurwa, District-Ranchi.
5. Mukesh Kumar, aged about not known to the petitioners, S/o Ram Binod Singh, R/o North Shivpuri, Hazaribagh, P.O. & P.S.-Hazaribagh Sadar, District-Hazaribagh.
6. Rajendra Sinku, aged about not known to the petitioners, S/o Sri Soma Sinku, R/o Baliaposi, P.O.-Harpal, P.S.-Majhgaon, District-West Singhbhum.

…… Respondents

With

W.P.(S) No. 6416 of 2024

1. Sanjeev Kumar Singh, about age of 28 years, son of Ramlakhan Singh, resident of Village-Kandhauli, P.O.-Nanauri, P.S.-Karai Parsurai, District-Patna, Bihar, 804451.

2. Ravi Kumar Singh, aged about 31 years, son of Kamta Singh, resident of Village-C.D.A. Colony, P.O.-Keshari Nagar, P.S.-Shastri Nagar, District-Patna, Bihar, 800024.
3. Omprakash Ray, aged about 31 years, son of Shri Murlidhar Ray, resident of Village-Gajebari, P.O.-Pathrol, P.S.-Pathrol, District-Deoghar.
4. Kapildeo Yadav, aged about 32 years, son of Tulsi Yadav, resident of Village-Chehal, Biharo, P.O.-Hirodih, P.S.-Jainagar, District-Koderma.
5. Kumar Gaurav, aged about 32 years, son of Subodh Kumar Singh, resident of Village-Dantar, P.O.-Dantar, P.S.-Vashishthnagar, District-Chatra.
6. Abhinav Kumar, aged about 34 years, son of Badri Prasad, resident of Village-Itkhori, P.O.-Itkhori, P.S.-Itkhori, District-Chatra.
7. Vivek Choudhary, aged about 28 years, son of Mahesh Choudhary, resident of Village-Chorgatta, P.O.-Gadi Nawadih, P.S.-Jamua, District-Giridih.
8. Josphina Hemrom, aged about 33 years, daughter of Late Clement K. Hemrom, resident of Village-Konjari, P.O.-Fudi, P.S.-Namkum, District-Ranchi.
9. Santosh Yadav, aged about 32 years, son of Ashok Yadav, resident of Village-Kumhargari, P.O.-Bajto, P.S.-Giridih, District-Giridih.
10. Dharamveer Bhagat, aged about 32 years, son of Digambar Oraon, resident of Village-Dohidon, P.O.-Pusho, P.S.-Pusho, District-Gumla.
11. Abhay Kumar, aged about 30 years, son of Arun Kumar Singh, resident of Village-Painapur, P.O.-Wazirpur, P.S.-Bikram, District-Patna, Bihar, 801104.
12. Sahabir Oraon, aged about 33 years, son of Late Tepra Oraon, resident of Village-Hendlaso Shiv Toli, P.O.-Kujra, P.S.-Lohardaga, District-Lohardaga.
13. Shashikant Kumar, aged about 30 years, son of Satyendra Narayan Singh, resident of Village-Dumariya, P.O.-Kubba, P.S.-Not mentioned, District-Chatra.
14. Satish Kumar, aged about 30 years, son of Umesh Pandey, resident of Village-Sisai, P.O.-Khadhiya, P.S.-Tandwa, District-Chatra.
15. Vikas Kumar Paswan, aged about 32 years, son of Manoj Paswan, resident of Village-Bhim Kanali, P.O.-Khanoodih, P.S.-Baghmara, District-Dhanbad.
16. Nageshwar Saw, aged about 30 years, son of Ramlal Saw, resident of Village-Beko, P.O.-Beko, P.S.-Bagodar, District-Giridih.
17. Birbal Hembram, aged about 30 years, son of Dukhuram Hembram, resident of Village-Jamira, P.O.-Kalapathar, P.S.-Chakulia, District-East Singhbhum.
18. Raju Oraon, aged about 30 years, son of Bhosa Oraon, resident of Village-Sahera, P.O.-Tetri, P.S.-Namkum, District-Ranchi.
19. Naveen Horo, aged about 30 years, son of Matan Horo, resident of Village-Chand, P.O.-Hulhundu, P.S.-Hatia, District-Ranchi.
20. Badal Munda, aged about 31 years, son of Jageshwar Munda, resident of Village-Kadma, P.O.-Kanke, P.S.-Kanke, District-Ranchi.

21. Vivek Kumar Pandit, aged about 30 years, son of Bhagirath Pandit, resident of Village-Gadi, P.O.-Pesham, P.S.-Birni, District-Giridih.
22. Kamlesh Kumar Mahto, aged about 29 years, son of Shikhar Mahto, resident of Village-Baghadih, P.O.-Burhadih, P.S.-Bundu, District-Ranchi.
23. Gautam Kumar, aged about 34 years, son of Ram Pyare Singh, resident of Village-Dandai, P.O.-Dandai, P.S.-Dandai, District-Garhwa.
24. Deepak Kumar, aged about 33 years, son of Dhananjay Kumar Singh, resident of Village-Nagwan, P.O.-Manjhawari, P.S.-Simri, District-Buxar, Bihar, 802133.
25. Vikas Dubey, aged about 28 years, son of Virendra Dubey, resident of Village-Barka Gaon, P.O.-Mohan Derwan, P.S.-Belaon, District-Kaimur, Bhabhua, Bihar.
26. Punu Kumar Yadav, aged about 30 years, son of Goverdhan Yadav, resident of Village-Sangramdih, P.O.-Karma, P.S.-Koderma, District-Koderma.
27. Rakesh Kumar, aged about 34 years, son of Dilip Kumar Pal, resident of Village-Monglabandh, P.O.-Moglabandh, P.S.-Pakuria, District-Pakur.
28. Thakur Dayal Mahto, aged about 33 years, son of Ranjit Mahto, resident of Village-New Police Line, P.O.-Kanke, P.S.-Kanke, District-Ranchi.
29. Ashok Kumar, aged about 29 years, son of Pitambar Prasad, resident of Village-Gaipahadi, P.O.-Kalhabad, P.S.-Barkatha, District-Hazaribagh.
30. Manjesh Kumar Singh, aged about 30 years, son of Vijay Kumar Singh, resident of Village-Bolba, P.O.-Bolba, P.S.-Bolba, District-Simdega.
31. Omkar Pal, aged about 30 years, son of Shambhu Dayal Pal, resident of Village-Raghunandan Vihar Colony, P.S.-Kotwali, District-Chhatarpur, M.P.
32. Mantu Kumar Sharma, aged about 29 years, son of Khageshwar Sharma, resident of Village-Akdoni, P.O.-Akdoni Kala, P.S.-Giridih, District-Giridih.
33. Dulal Kumar Mahato, aged about 29 years, son of Mohit Ram Mahato, resident of Village-Khurchi, P.O.-Godtoppa, P.S.-Govindpur, District-Dhanbad.
34. Dheeraj Kumar Mishra, aged about 29 years, son of Ram Krishna Mishra, resident of Village-Kailash Nagar, P.O.-Chas, P.S.-Chas, District-Bokaro.
35. Alok Kumar, aged about 32 years, son of Siyaram Sharma, resident of Village-Krishna Nagar, P.O.-Jehanabad, P.S.-Jehanabad, District-Jehanabad, Bihar, 804408.
36. Rahul Kumar, aged about 29 years, son of Bisheshwar Verma, resident of Village-Q. No. M-23/8, P.O.-Dugda, P.S.-Dugda, District-Bokaro.

37. Birbal Karmali, aged about 28 years, son of Rajdev Karmali, resident of Village-Karmali Tola, Sotai, P.O.-Bariyatu, P.S.-Gola, District-Ramgarh.
38. Prabhat Kumar, about age of 30 years, son of Mithlesh Kumar, resident of Village-Durjanchak, P.O.-Saksohra, P.S.-Saksohra, District-Patna, Bihar, 804451.
39. Satyam Kumar, about age of 32 years, son of Raj Nandan Singh, resident of Village-Kunwar Singh Colony, P.O.-Chas, P.S.-Chas, District-Bokaro.
40. Adarsh Kumar, about age of 33 years, son of Abhay Kumar, resident of Village-Ratanpur, P.O.-Begusarai, P.S.-Begusarai, District-Begusarai, Bokaro. **…… Petitioners**

Versus

1. The State of Jharkhand, through the Principal Secretary, Department of Home, Jail and Disaster Management, officiating at Jharkhand Police Headquarters, P.O., P.S.-Dhurwa, District-Ranchi.
2. The Director General of Police, officiating at Jharkhand Police Headquarters, P.O., P.S.-Dhurwa, District-Ranchi.
3. The Inspector General of Police, officiating at Jharkhand Police Headquarters, P.O., P.S.-Dhurwa, District-Ranchi.
4. The Inspector General of Police (Personnel), officiating at Jharkhand Police Headquarters, P.O., P.S.-Dhurwa, District-Ranchi.
5. The Inspector General of Police (Training), officiating at Jharkhand Police Headquarters, P.O., P.S.-Dhurwa, District-Ranchi.
6. The Deputy Inspector General of Police (Personnel), officiating at Jharkhand Police Headquarters, P.O., P.S.-Dhurwa, District-Ranchi.
7. Mukesh Kumar, aged about not known to the petitioner, son of Ram Binod Singh, resident of North Shivpuri, Hazaribagh, P.O., P.S.-Hazaribagh Sadar, District-Hazaribagh.
8. Rajendra Sinku, aged about not known to the petitioner, son of Sri Soma Sinku, resident of Baliaposi, P.O.-Harpal, P.S.-Majhgaon, District-West Singhbhum. **……. Respondents**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Mr. Ajit Kumar, Sr. Advocate
Mr. Manoj Tondon, Advocate
Mr. Sumeet Gadodia, Advocate
Mr. Ranjeet Kushwaha, Advocate
Mr. Nilohit Choubey, Advocate
Mr. Akash Ajit Kumar, Advocate
Ms. Tanya Singh, Advocate
Ms. Shruti Shekhar, Advocate
Ms. Nidhi Lall, Advocate
Mr. Siddharth Ranjan, Advocate
Mrs. Neha Bhardwaj, Advocate
Mr. Karamjit S. Chhabra, Advocate
Mr. Shubham Kumar, Advocate
Ms. Sejal Agrawal, Advocate

For the Respondent : Mr. Navniti Prasad Singh, Sr. Advocate
Mr. Rohit Roy, A.G.
Mr. Shresth Gautam, Advocate
Mr. Himanshu Harsh, Advocate
Mr. Indrajit Sinha, Advocate
Mr. Arpan Mishra, Advocate
Ms. Oishi Das, A.C. to A.G.
Mr. Amritansh Vats, Advocate
For the Intervenor : Mr. Kumar Harsh, Advocate
…..

CAV on: 15.09.2026 **Pronounced on:06.11.2026**

1. Heard learned counsel for the parties.

2. Since common issues are involved in all the writ petitions filed by the petitioners, they were heard together and are being disposed by this common order, and the facts relevant to decide the main lis has been taken from W.P.(S) No. 3445 of 2025.

BRIEF BACKGROUD

3. This is one more unending dispute arising between direct recruits and recruits appointed through Limited Examination qua their inter-se seniority to the post of Sub-Inspector of Police. Under Jharkhand Police Manual, method of recruitment for the said post is two folds i.e. direct recruitment, and, recruitment by promotion of Assistant Sub-Inspector. Rule 653(c) of Police Manual provides that vacancies up to 50% shall be filled by selection from the rank of Assistant Sub Inspectors. Rule 659 of Police Manual clearly provides that 50% of the vacancies in the rank of Sub-Inspector shall be filled by selection from the rank of Assistant Sub-Inspector who have shown exceptional merit while serving as Assistant Sub Inspector. Rule 659(g) further provides that Assistant Sub Inspector shall be on Probation for a period of twelve

months from the date of the order promoting them to the rank of Sub-Inspector.

4. Appendix-93, vide Clause-9, provides inter alia that Assistant Sub Inspector promoted to Sub-Inspector would be required to undergo three months promotional course for promotion to the rank of Sub-Inspector. In the said course, special emphasis was on supervision and leadership and other allied activities.

5. Per contra, Rule 653 read with Rule 681 and Appendix 93 provides for rigorous training for directly recruited Sub Inspector. Rule 681 clearly stipulates that all Sub-Inspectors appointed direct shall be required to undergo one year's training course at Police Training College in terms of Appendix 93, and, upon successful completion of training, Sub- Inspectors shall be given practical training for two years, during which period they shall be on probation and at the end of entire training period, services would be confirmed by Deputy Inspector General of Police.

6. The distinction drawn under the Rules for providing rigorous training and giving practical experience for directly recruited Sub Inspectors, as opposed to promotee Sub Inspector, has a reasonable nexus to achieve. Promotee Sub Inspectors were already working on the post of Assistant Sub-Inspector for a minimum period of five years before their cases could be considered for promotion to the post of Sub-Inspector and, thus, they have already acquired sufficient training, both practical and theoretical training, during their service tenure and it is for

the said reason, in the Rules vide Appendix 93, it has been provided that said Sub Inspectors only required to undergo a three months promotional course. Since directly recruited Sub Inspectors have no previous experience, it was made mandatory for them under Rule 681 to undergo training at Police Academy for one year and two years practical training before which their services could be confirmed.

7. Apart from above two recruitment methods provided under the Police Manual, Respondent-State of Jharkhand created another method for recruitment/appointment on the post of Sub-Inspector vide Notification bearing No. 252 dated 28.01.2016.

8. The State of Jharkhand framed *'Jharkhand State Police Sub Inspector Limited Departmental Competitive Examination Rules, 2016' (for short 'Rules of 2016')*. Under the said Rules, out of 50% posts, which were to be filled up by promotion from Assistant Sub Inspector to Sub Inspector, 25% posts were reserved to be filled up by Police personnel other than Assistant Sub Inspectors. Said Rules provided, inter alia, the requisite qualification for appearing in Limited Departmental Competitive Examination (for short **'**LDCE') and the procedure to be adopted under the said Rules of 2016 was; - Written Examination, Physical Fitness Test, Interview and Medical Examination. Rule 27 of Rules of 2016 specifically stipulates, inter alia, that candidates appointed through LDCE on the post of Sub-Inspector will necessarily need to undergo training and they would be on Probation for a period of two years. Said amendment was carried out in exercise of powers under

Proviso to Article 309 of the Constitution of India read with Section 46(3) of The Police Act, 1861. Consequential amendments to be carried out under the Police Manual were incorporated in the said Rules itself. As already stated above, dispute in present writ application pertains to inter-se seniority between directly recruited Sub Inspectors and Sub Inspectors appointed by way of promotion through LDCE.

FACTS OF THE CASE

9. The State of Jharkhand issued Advertisement No.05/2017 dated 15.07.2017 inviting applications for direct recruitment to the post of Sub Inspector of Police, and, writ petitioners were appointed pursuant to aforesaid Advertisement. Said Advertisement was issued for recruitment of altogether 2483 posts of Sub Inspector of Police through direct recruitment. Subsequent to said Advertisement, another Advertisement being Advertisement No. 09/2017 dated 04.08.2017 was issued for appointment to the post of Sub Inspector through L.D.C.E. for recruitment of 1544 Sub Inspectors of Police. Although Advertisement for L.D.C.E. was issued subsequent to Advertisement for direct recruitment, the selection process under Advertisement No. 09/2017 was concluded earlier and appointment letters were issued vide Memo No. 192/C dated 06.03.2018 in favour of selected candidates including Respondents and Interveners. Subsequent thereto, on 06.08.2018, Writ Petitioners were appointed as direct recruits to the post of Sub-Inspector.

10. It is an undisputed fact that direct recruits were sent for training on 06.08.2018 in various Training Institutes including Jharkhand

Police Academy, Hazaribagh, JAP Training Centre, Padma and Jungle Welfare School, Netarhat.

11. Similarly, on 06.03.2018, recruits through L.D.C.E. were directed to report for training at Jharkhand Police Academy, Hazaribagh on 11.03.2018.

12. It is also an undisputed fact that training of direct recruits was completed earlier in point of time and vide various Departmental Orders, services of direct recruits were confirmed with effect from 06.08.2021.

13. However, appointees through Limited Departmental Examination had undergone their first semester of training between the period 11.03.2018 to 31.07.2018 followed by District Practical Training of 01.08.2018 to 31.07.2019, second semester training was from 05.09.2021 to 03.01.2022 and, accordingly, their services were confirmed on completion of training with effect from 02.08.2022. These facts are not in dispute between the parties.

SUBMISSIONS OF PETITIONERS

14. Mr. Ajit Kumar, Sr. Advocate, Mr. Manoj Tondon, Advocate and Mr. Sumeet Gadodia, Advocate primarily advanced arguments on behalf of Petitioners. Overlapping arguments have been advanced by above counsels apart from individual specific argument which is cumulatively noted herein for brevity.

15. The main point of argument of Petitioners is that although Private Respondents i.e. Limited Departmental Examination candidates were recruited earlier in point of time, their services were confirmed

only after completion of their training with effect from 2nd August, 2022; whereas services of Writ Petitioners were confirmed with effect from 06.08.2021 and, thus, in terms of Rule 689(C), Petitioners would be treated as senior to that of Private Respondents, as their actual recruitment precedes the date than that of Private Respondents. Heavy reliance was placed upon the term 'actually" used in Rule 689(C), Chapter-22 of Jharkhand Police Manual to contend that the term "actually" has been interpreted by Hon'ble Supreme court in the case of *"Madeva Upendra Sinai & Ors. Vs. Union of India & Ors,"* (1975) 3 SCC 765 (Paras 15 to 17) and *"Commissioner of Income Tax Vs. Doom Dooma India Ltd.,*" (2009) 4 SCC 427 (Paras 2, 10, 12 & 13), to connote something which actually has taken effect or granted or given the effect to.

16. It was vehemently submitted that although confirmation of service would relate back to the date of initial appointment, but the same would not confer consequential seniority to Private Respondent in view of Rule 682(d) of Jharkhand Police Manual, which provides that the period spent on training and on probation will count as 'service towards pension'. By placing reliance upon said Rules, it was contended that had the intention of the framers of Rules was to confer seniority even in respect of the period spent for training and on probation, the same would have been specifically enumerated under the Rules. Attention was invited to Rules 653, 659, 682 and 689(C) of the Police Manual and it was submitted that these Rules were to be construed harmoniously being

the governing principle for appointment, training, probation and seniority between the Petitioner and Private Respondents.

17. Reliance was placed upon clauses 2, 3, 4 and 5 of appointment letters of Private Respondents, and, it was contended that under said appointment letter, it was clearly stipulated that recruitment was purely temporary in nature which was subject to completion of training of two years in Jharkhand Police Academy, Hazaribagh and during the said period, recruits appointed through LDCE were to remain under probation. It was clearly stipulated in the appointment letter that in the event, a candidate fails to obtain basic training and successfully passes the same, the employee would not be entitled for confirmation of his service including increment in pay. The appointment letter further stipulated that if any candidate, during training or probation period, resigns from service, the said candidate will have to pay the entire expenditure on training.

18. Further reliance was placed upon Rule 27 of Rules of 2016 read with Appendix-41, to contend inter alia that Appendix 41 vide Sl. No. 5, was amended to incorporate therein the period when candidates appointed through Limited Departmental Examination would be deemed to be on Probation. Further, Rule 28 of Rules of 2016 was relied upon to contend that anything not governed under Rules of 2016 would be governed through the applicable Code, Rules, Regulations, Instructions and Police Manual. On the strength of above, it was contended that Police Manual would apply with equal force both in favour of Petitioners

and Private Respondents and their service conditions, including seniority, would be governed under the Police Manual.

19. An alternative argument was advanced by Mr. Manoj Tondon, Advocate that since method of recruitment of Private Respondent is alien to the method of recruitment provided under Police Manual, provisions of the Police Manual would not apply. Reliance was placed upon various Service Rules framed by State of Jharkhand, like, Jharkhand Secretariat Clerical Service Rules, 2010 and Jharkhand Secretariat Clerical Service Recruitment Rules, 2012 to contend, inter alia that under the said Rules, it is clearly laid down that if recruitment process started at an earlier point of time for direct recruits, though their appointments were made on subsequent date with that of promotees, the direct recruits would stand senior to the promotees. It was contended that process of direct recruitment was initiated by issuing requisition dated 06.01.2017, whereas requisition for recruitment through LDCE was issued subsequently. Even advertisements were issued anterior in point of time for direct recruitment and merely because recruits through LDCE have been appointed earlier in point of time than that of Petitioners, they cannot be treated as senior to Petitioners.

20. Lastly, it was submitted that Respondent-State of Jharkhand itself prepared a Seniority List vide Memo No. 667/P dated 13.07.2021, which was the first Seniority List published in the year 2021, wherein, admittedly, names of Private Respondents/candidates appointed through LDCE, were not included, as their services were not confirmed.

However, in subsequent Provisional Seniority List dated 09.11.2023, the candidates appointed through Limited Departmental Examination were shown as senior to Writ Petitioners, which led filing of objections and representations by Writ Petitioners and other similarly situated recruits. However, the State Government, ignoring the aforesaid aspect, proceeded to finalize the Seniority List vide impugned Order contained in Memo No. 951/P dated 09.09.2024, wherein persons appointed through LDCE were shown as senior. This order has been impugned and assailed in the manner stated above. Petitioners have relied upon following Judgments:-

(*i*) *Union of India & Anr. V. Afroz Ahmed & Ors., 2006 (88) DRJ 478 (DB), relevant paras 8, 11, 14.*

(ii) Ashok Ram Parhad and Others v. State of Maharashtra and Others, (2023) 18 SCC 768, relevant paras 18, 27, 28, 30, 31.

(iii) Madeva Upendra Sinai and Othe4rs v. Union of India and Others, (1975) 3 SCC 765, relevant paras 15, 16, 17.

(iv) Commissioner of Income Tax v. Doom Dooma India Limited, (2009) 4 SCC 427, relevant paras 2,10,12,13.

(v) Krishna Rai (Dead) Through Legal Representatives and Others v. Banaras Hindu University and Others, (2022) 8 SCC 713.

(vi) Mukesh Kumar and Anr.v. State of Jharkhand and Ors. 2017 SCC O\nLine Jhaar 3629

9. Jharkhand Police Association v. State of Jharkhand, W.P.(S) No. 6233 of 2016.

ARGUMENTS ON BEHALF OF RESPONDENTS

21. Mr. Rohit Roy, learned A.G, assisted by Ms. Oishi Das, AC to AG argued on behalf of State of Jharkhand. Reliance was placed upon Counter Affidavit and reference was made to Police Order No. 102 dated 08.02.1983 and it was contended that in terms of the said order it was decided that seniority will be determined by totalling the number secured by the direct appointee in the Police Training Centre and the number

secured in the selection examination. It was contended that following the above principle, final seniority list contained in Memo No. 951/P dated 09.09.2024 has been prepared. However, at the same breath, it was argued that in terms of Rule 689(c) of Police Manual, since LDCE candidates were appointed on 11.03.2018, whereas direct recruit candidates were appointed on 06.08.2018, as per Police Manual LDCE candidates have been rightly declared senior to that of direct recruits.

22. Mr. Nawnitti Prasad Singh, Ld. Sr. Counsel, assisted by Mr. Shresth Gautam, Advocate, Mr. Indrajit Sinha, Advocate, assisted by Mr. Arpan Mishra, Advocate and Mr. Amritansh Vats, Advocate advanced arguments on behalf of Private Respondents. It was argued that under Police Manual, there were essentially two recognized methods for appointment i.e. direct appointment and promotion, and, a third recruitment process was created by State of Jharkhand by virtue of Rules of 2016 under which promotional post was divided into prescribed quota, and, out of total 50% promotional quota, 25% was to be filled up by promotion from Assistant Sub-Inspectors and balance 25% was to be filled up through LDCE. It was, thus, contended that LDCE candidates cannot be treated as newly appointed, rather, their case should be treated as promotion at par with other Assistant Sub-Inspectors. It was argued that under the scheme of Police Manual read with Rules of 2016, LDCE candidates were also required to undergo training. It was contended that first semester training of LDCE candidates was completed from 11.03.2018 to 31.07.2018 followed by District Practical Training from

01.08.2018 to 31.07.2019, but subsequent training commenced from 05.09.2021 to 03.01.2022 and the delay in completion of the training was not attributable to Private Respondents, but to the Training Directorate. On the strength of above, it was contended that for no fault of Private Respondents in completion of training, they cannot be made junior to Writ Petitioners who were, admittedly, appointed subsequent to the date of appointment of Private Respondents.

23. In any event, it was contended that after Private Respondents completed their training, the same relates back to the date of their initial appointment and completion of training does not create a new date of appointment, rather, it relates back to original date of employment. In this regard, reliance was placed upon following Judgments:-

(i) High Court of Punjab & Haryana v. state of Haryana, (1975) 1 SCC 843, Para-49.
(ii) L. Chandrakishore Singh, v. State of Manipur, (1999) 8 SCC 287, Para-15
(iii) T. Valsan v. K. Kanagraj, (2023) 8 SCC 614, Para 22

24. It was further contended that the core question for determination in the present case is *'whether date of appointment is relevant for determining seniority'*, or *'whether date of confirmation in service is relevant for determining seniority'*. It was contended that the date of confirmation would relate back to the date of initial appointment and even if Private Respondents were confirmed in service later in point of time, the same would have no effect as said confirmation would relate back to the date of their initial appointment.

25. It was further argued that Jharkhand Police Manual is not a statutory Rule, but merely is an executive instruction and, therefore, General Service Jurisprudence in determining seniority should be applied, and, date of initial appointment becomes the relevant date for determination of seniority as per General Service Law principle. Extensive reliance was placed upon Judgment in the case of ***K. Meghachandra Singh & Ors. V. Ningam Siro & Ors, (2020) 5 SCC 689*** to contend inter alia that as per General Principle, no employee can claim seniority from the date when said employee was not even born in the cadre. While distinguishing the Judgment relied upon by Petitioner, Respondents relied upon the decision in the case of *State of Orissa and Ors v. Md. Illiyas, (2006) 1 SCC 275* and contended, inter alia, that Judgment is to be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions which are found there are not intended to be the exposition of the whole law. On the strength of above, it was submitted that seniority determined by Respondent-State is not liable to be interfered with by this Court.

26. Having considered rival submissions, following questions arise for consideration by this Court:-

(I) *Whether candidates appointed through the process of LDCE should be treated as 'Promotees' or their candidature would be treated as "Appointment By Promotion"?*

(II) *Whether Rule 689(c) of Police Manual lays down the principle of determination of inter-se seniority of Sub-Inspectors, or the principle of*

seniority is to be determined on the General Principle of Service Jurisprudence?

(III) Whether training period should be counted for the purposes of seniority and what would be the meaning of the term 'actually recruited or promoted against permanent post as contained in Rule 689(c)?

ISSUE NO. (I) Whether candidates appointed through the process of LDCE should be treated as "Promotees" or their candidature would be treated as "Appointment By Promotion?

27. Rule 653 of Police Manual contains provisions for appointment of Sub-Inspectors. Said Rule, for brevity, is quoted herein-under:-

> *"653. Sub-Inspectors.—(a) In July, the Inspector-General will intimate to each Deputy Inspector-General the number of vacancies allotted to each district and the Criminal Investigation/Intelligence Departments and the number to be filled by direct recruitment and by promotion of Assistant Sub-Inspector. He will also indicate that limitations, if any, are to be observed as to the appointment of any particular sections of the community.*
> *(b) In accordance with rule 659(a) vacancies up to 50 per cent may be filled by selection from the rank of Assistant Sub-Inspector. The remainder shall be filled in the manner laid down in the following rules.*
> *(c) A requisition shall be sent to Bihar Public Service Commission in the prescribed form in which the informations about the number of vacant posts, etc. shall be given. The job of holding examination for recruitment to Class III technical and non-technical executive and supervisory posts (including Sub-Inspector) has been given to Bihar Public Service Commission as per article 320(1) of the Indian Constitution."*

28. A bare perusal of said Rule clearly reveals that Sub-Inspectors were to be appointed through direct recruitment and by promotion, and, 50 per cent of the seats were to be filled up by selection from the rank of Assistant Sub-Inspector through promotion.

29. Rule 654 to 658 extensively deals with the manner of selection which is required to be followed for direct recruitment on the post of Sub-Inspector. Similarly, Rule 659 provided for the manner of promotion of Assistant Sub-Inspector in the rank of Sub-Inspector and Rule 659(a) and (g), which are relevant in the present context, is extracted herein:-

> *"659. Promotion of Assistant Sub-Inspectors, -- (a) 50 per cent of the vacancies in the rank of Sub-Inspector shall be filled by selection from the rank of Assistant Sub-Inspector who have at least done a minimum of five years service. Only selected officers who have shown exceptional merit while serving as Assistant Sub-Inspector will be promoted.*
> *Xxx xxx xxx*
> *(g) Assistant Sub-Inspector shall be on probation for a period of twelve months from the date of the order promoting them to the rank of Sub-Inspector."*

30. A perusal of Rule 659(a) of Police Manual clearly reveals that selection from the rank of Assistant Sub-Inspector in the vacancies of Sub-Inspector required a minimum five years of service on the post of Assistant Sub-Inspector and only such officers were to be selected who have shown exceptional merit while serving as Assistant Sub-Inspector. Rule 659(g) further provided for probation of twelve months from the date of the order promoting Assistant Sub-Inspector to the rank of Sub-Inspector.

31. Under Rules of 2016, State Government created another category for entry in the rank of Sub-Inspector and amended Rule 653 and 659 and provided that out of 50% vacancies to be filled up by promotion from Assistant Sub-Inspector to the post of Sub-Inspector, 25% vacancies would be filled up through LDCE from officers primarily subordinate in rank to that of Assistant Sub-Inspector.

32. The procedure provided for entry in the cadre of Sub-Inspector under Rules of 2016 was almost akin to the procedure laid down under Rules 654 to 658 relating to direct recruitment on the post of Sub-Inspector.

33. The vires of Rule 7(ka) and (kha) of *'Jharkhand State Police Sub-Inspector Limited Departmental Competitive Examination Appointment Rules (Recruitment Procedure),2016* was challenged before this Court. This Court negated the said challenge and held as under:-

> ***"6.*** *We have considered the submissions of the learned counsel for the parties, gone through the relevant materials on record and also the relevant provisions of the Police Act, 1861; Police Manual and the impugned Rules itself.*
>
> ***7.*** *We may, at the outset, observe that the instant Rules are altogether new Rules framed by the employer State for giving an opportunity for appointment to the serving Police Personnel of the rank of Constable and Havildar for appointment to a post of Sub-Inspector through limited departmental competitive exam. The Police Manual does not provide for direct appointment through limited departmental competitive exam to a Police Personnel of the rank of Constable/Havildar to the post of Sub-Inspector. Police Manual, apart from laying down other provisions in relation the service of a Police Personnel, also makes provisions for promotion to higher post. It also lays down the punishment, major or minor to be imposed in case of established misconduct. It also lays down the provisions of appeal and memorial against such orders of punishment. The comparison of the Rules relating to promotion as provided under the Police Manual with that of the impugned Rules which lay down a quota and eligibility criteria for appointment to the post of Sub-Inspector through limited departmental competitive exam, is therefore far-fetched. While there is enough rational on the part of the employer to provide the period during which the effect of major or minor punishment may operate and may be a criterion for consideration to higher promotions during the entire service career of an employee, the impugned rules also have a definite rational in laying down the eligibility criteria as such.*
>
> ***8.*** *There is a conscious decision on the part of the employer-State to lay down more stringent eligibility criteria for appointment directly to the post of Sub-Inspector from the rank of Constable or Havildar of a personnel who not only competes on merits but has otherwise a complete clean service record. The significance of having a clean service record of a Police Personnel holding a post of Sub-Inspector cannot be lost sight of as he exercises authority over the subordinate*

> *rank of personnel like Constable, Havildar or Assistant Sub-Inspector in the Police Force. It may also happen that a meritorious candidate with a rather unclean service record (having faced a major punishment) can still be appointed as a Sub-Inspector and exercises authority on the subordinate Police Personnel who may otherwise have a clean service record but may not have competed on merits. In an uniformed Police Force such a situation would have a demoralising effect on the subordinate Police Personnel who otherwise has a clean service record. The instant issue can be looked at from another angle as well. By the ordinary channels of promotion the post of Sub-Inspector is perhaps 3rd in hierarchy to the rank of Constable while through the instant limited departmental exam the Police Personnel at dthe bottom of rank as a Constable does have a chance to get appointed as a Sub-Inspector through the limited quota of 25% of that cadre. The rules for limited departmental competitive exam therefore in a larger perspective provides incentive to the Police Personnel to maintain a clean record and creates a disincentive for Police Personnel who are unable to maintain clean service record even on the rank of Constable or Havildar.*
>
> ***9.*** *From the perspective of the Police Force it will also be desirable that the personnel of a rank of Sub-Inspector of Police or Inspector of Police is not only meritorious and physically fit, but has an absolutely clean service record. It adds to the image of the Police Force and creates a sense of respect amongst the junior Police Personnel towards his superior as well."* ***(See: Mukesh Kumar and Anr. v. State of Jharkhand and Ors., 2017, SCC OnLine Jhar 3629)***

34. In view of aforesaid Judgment and provisions contained under Rules of 2016, this Court is of the firm opinion that entry in the rank of Sub-Inspector through LDCE is not by that way of "promotion", but by way of "appointment by promotion". Issue No. (i) is answered accordingly.

ISSUE NO. (II) - Whether Rule 689(c) of Police Manual lays down the principles of determination of inter-se seniority of Sub-Inspectors, or the principle of seniority is to be determined on the General Principles of Service Jurisprudence?

35. One of the primary contentions of Private Respondents is that there is no specific Rules governing inter-se seniority dispute; therefore,

in absence of such Rule, the matter must be governed by settled Service Jurisprudence. A sequel to the aforesaid argument is that an employee's seniority would relate back to the date of initial appointment and a person cannot claim seniority from a period anterior to the date from which he/she was born in the cadre.

36. There is no dispute to aforesaid proposition of law that, ordinarily, seniority is to be determined from the date of initial appointment, and, a person cannot claim seniority from a date anterior to the date from which he/she was born in the cadre. However, in the opinion of this Court, the contentions advanced by Respondents including the contention advanced, in alternative, by Petitioner that there is no Seniority Rules governing the case of Petitioners and Private Respondents, is wholly misconceived. Relevant rule for determining the seniority of Sub-Inspector is Rule 689(c)of Police Manual, which is extracted hereunder:-

> "689. (a) The seniority of Indian Police Service Officers will be regulated according to All India Services Rules and orders relating thereto.
>
> (b) The place of an officer of the Bihar Police Service shall, on promotion to the Indian Police Service, be determined in accordance with the Indian Police Service (Appointment by Promotion) Regulations, 1955.
>
> *(c) The seniority of all the Sub-Inspectors and Deputy Superintendents in their respective ranks, whether recruited directly or promoted will be counted from the dates on which they were actually recruited or promoted against permanent post."*

37. Rules of 2016, which was framed in exercise of powers under Article 309 read with Section 46(3) of The Police Act, 1861, vide Rule 28, specifically provided that any subject or context not dealt with in the said Rules, would be governed by the Rules, Code, Circular, Instructions

and Police Manual framed by State of Jharkhand. Rule 28 of Rules of 2016 is quoted hereunder: -

> **निर्वचनः–** इस नियमावली में जिन विषयों या बातों का समावेश/प्रावधान नहीं हो सका है, उनके लिए राज्य सरकार की प्रासंगिक संहिता/नियमावली/संकल्प/अनुदेश तथा पुलिस हस्तक में वर्णित प्रावधान लागू होगें।

38. Respondents, in their Counter Affidavit, referred to Police Order No. 102 dated 08.02.1983 to contend, inter alia, that seniority will be determined by totalling the number secured by direct appointee in the PTC and the number secured in the selection examination, and, it was contended that seniority was determined on the aforesaid principle.

39. This court is of the opinion that Police Order No. 102 is applicable for determining inter-se seniority amongst direct recruits and is not relevant for deciding inter-se seniority between direct recruits, promotees and/or entrant in the rank of Sub-Inspector through "appointment by promotion". In fact, in the Counter Affidavit, Respondent-State has specifically relied upon Rule 689(c) of the Police Manual and has contended that since LDCE candidates were appointed on 11.03.2018, whereas direct recruits were appointed on 06.08.2018, seniority has been determined from the date of initial appointment. Thus, State Government itself is accepting the applicability of Rule 689(c) for the purpose of determination of inter-se seniority, which in the opinion of this Court, is a correct stand. Accordingly, it is held that inter-se seniority shall be determined between direct recruits, promotees and LDCE recruits in terms of Rule 689(c) of Police Manual.

ISSUE NO. (III) - Whether training period should be counted for the purposes of seniority and what would be the meaning of the term 'actually recruited or promoted against permanent post' as contained in Rule 689(c)?

40. The question whether training period should be counted for the purpose of seniority depends upon the Rules, and in absence of Rules, upon decision taken by the authority.

41. As already held above, Rule 689(c) of Police Manual provides for determination of inter-se seniority and its interpretation read with other enabling rules providing for recruitment to the post of Sub-Inspector would be determining factor for this Court to determine as to whether direct recruits would stand senior to LDCE candidates or vice versa.

42. Rule 689(c) uses the term "**actually recruited or promoted against permanent post".** Hon'ble Supreme Court in the case of *Madeva Upendra Sinai and Ors*. (supra), while interpreting the word **'actually'**, held that the word **'actually'** is a comparable statutory setting, and the term is used in contradistinction to what is merely notional, deemed, or provisional, and requires the relevant event to have truly and effectively taken place.

43. The aforesaid decision was reiterated in the case of *Doom Dooma India Limited* (supra) and it was held that the expression **"actually"** imports a requirement of real and effective operation of the relevant fact, and is deliberately used by the Legislature to exclude constructions based on a merely formal or provisional state of affairs.

44. The term ‘recruitment’ and ‘appointment’ has been subject matter of interpretation in a series of Judgments of Hon’ble Supreme Court and it has been held that the term “recruitment” connotes and clearly signifies enlistment, acceptance, selection or approval for appointment, and, in contradistinction the word “appointment” means an actual act of posting a person to a particular office.

45. It has been further held that although the word “recruitment” and “appointment” connotes different meaning, but are also used interchangeable under the Service Rules.

46. In context of the present case, the word used i.e. “actually”, “recruited” and “promoted” is of immense significance as what was intended by Rule Making Authority was to exclude constructions based on a merely formal or provisional state of affairs. The term “actually” deployed before the words recruited/promoted in the Rules would mean that recruitment/promotion should not be merely notional or provisional and requires the relevant event to have truly and effectively taken place.

47. Aforesaid interpretation is further supported by other rules contained in Police Manual relating to recruitment, promotion/appointment by way of promotion to the rank of Sub-Inspector.

48. As already enumerated above in detail, promoted Sub-Inspector, under Rule 689, is to remain on probation for a period of twelve months and, in terms of Appendix-93, Clause-9, is only required to undergo three months’ promotional course for confirmation of their

service on promotional post. The reason is obvious as promotee Sub-Inspectors have already worked on the immediate lower post of Assistant Sub-Inspector and it is for the said reason, probation period and tranining period is minimal as compared to direct recruits, or recruits appointed by promotion.

49. Rule 681 contains in details the training programme which is required to be undergone by direct recruit Sub-Inspector. Rules 681. I(a) & (b) is quoted hereunder:-

> ***"681.*** *Sub-Inspectors other than reserve Sub-Inspectors. – (a) Institutional Training of Sub-Inspectors.—All Sub-Inspectors appointed direct shall undergo one year's training course at the Police Training College as laid down in the rules of the College and in Appendix 93. The first Session will usually commence on the Second January.*
> *(b) Practical Training.—On the successful completion of the training course the Sub-Inspectors shall be given practical training for two years during which period they shall be on probation. At the end of the entire training period directly recruited Sub-Inspectors will be confirmed by the Deputy Inspector-General."*

50. Appendix 93 contains detailed training programme, which, for the sake of ready reference, is quoted hereunder:-

APPENDIX 93
TRAINING PROGRAMME
[RULES 681 and 682(e)]

1. *Training Programmes are four-fold in nature :-*
   (i) Initial on appointments.
   (ii) Promotional.
   (iii) Refresher.
   (iv) In-service specialist.
2. *Except for routine programme of target practice and day to day parade and institutional classes, all training will be imparted at the training institutes in or outside the State.*
3. *Each Training Institute or Centre should have a detailed book of standing orders based on a standard training manual, to be prepared centrally and if necessary approved by the Government. Contract should be maintained with the standing committee on training in the Bureau of Police Research and Development, New Delhi.*
4. *Each Training should include items of indoor visual training and may also include visits to places of interest in and outside the State.*
5. *Some important common subjects for various types of desirable training courses are given in the clauses below and their syllabus is given in Annexures A, B and C which are also not exhaustive. The periods to be*

allotted to different types of courses are to vary according to the necessity of different ranks and also on the educational standards of trainees. It is, however, to be noted that a subject entitled, as for example, "I.P.C." on "National Integration, is noted in all the training courses but it is obvious that bare elementary aspect will be taught to constables, while more important and detail training will be given to other ranks depending on requirements.

6. *Training programmes applicable to various specialised branches of Police are indicated in the connected chapters. The details will have to be shown in a Training Manual. The training for A.P.Ps. newly recruited are indicated in rule 681.*
7. *(a) Assistant/Deputy Superintendents of Police after 5 years' service should attend a refresher course of eight weeks at a Police Training College. A second course will be attended after 10 years of service and this should be of a similar duration.*

   (b) Reserve and Circle Inspectors selected for promotion to the rank of Deputy Superintendents shall be given 3 months' training at Police Training College. Reserve Inspectors on promotion to the rank of Deputy Superintendent, shall be given a special Orientation Course so that they are fully acquainted with the subjects concerning investigation and unarmed police. In the same way, Circle Inspectors promoted to Deputy Superintendents in the armed Battalions shall be given an Orientation Course so that they are aware of the organization etc., of the armed force. In addition to this Deputy Superintendents who have been promoted from armed and unarmed cadre, shall be given instructions concerning supervision in the different branches of District Police Office for 4 weeks.

   (c) (i) From Sub-Inspector to Circle Inspector.—For promotion from the rank of Sub-Inspector to the rank of Circle Inspector, there shall be a Probation Course for four weeks. In the training period, training shall be give on supervision and leadership, scrutiny of case diaries of Crime, manner of dealing with organized crimes, departmental enquiries and the manner of knowing complaints of public and the method of removing them.

   (ii) From Sub-Inspector to Reserve Inspector.—For promotion from the rank of Sub-Inspector to Reserve Inspector, four weeks promotion course shall have to be done. In this, the trainees shall be taught in (1) company's administration, training and command, (2) conducting departmental enquiries and (3) leadership and supervision. In this promotion course, subjects concerning human behaviour, etc. shall also be included.

8. *Practical Training of promoted Sub-Inspectors.— Those who have been promoted from the rank of Assistant Sub-Inspector will do a separate training course for 3 months and will be confirmed according to vacancies.*
9. *Assistantd Sub-Inspector to Sub-Inspector Promotion Course.—There shall be three months' promotion course for assistant Sub-Inspectors selected for promotion to the rank of Sub-Inspector. In this course, special emphasis 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 legislations and court rulings and maintenance of law and order.*
10. *(a) Havildars to Reserve Sub-Inspectors.—A promotion course should*

    be held which will be of three months' duration. Instructions should be given about the duties and responsibilities of a platoon commander. Additional subjects to be taught are maintenance of registers, documents, etc. of a platoon, duties of reserve office, platoon and company Drills etc. The Havildars who pass the examination shall work as probationers for one year in the rank of Sub-Inspectors.

(b) Refresher Course.—A four weeks' Refresher Course for reserve Sub-Inspectors will be conducted after every seven years. The training will be similar to what is given above.

11. Refresher Course.—All Havildars and Assistant Sub-Inspectors who have put in seven years of service in their respective ranks, should be required to undergo at interval of every seven years, a refresher course of four weeks' duration including one week at the State Forensic Science Laboratory."

51. A perusal of Rule 681 read with Appendix 93 would leave no manner of doubt that Sub-Inspector appointed directly is required to undergo one year Training in Police Training Centre and has to receive Practical Training for two years, during which period, they shall be on probation and would be only confirmed after successful completion of training. The provision relating to training, as contained in Police Manual, has been incorporated under Rules of 2016, and, Rule 27 of Rules of 2016 specifically reads as under :-

> **"प्रशिक्षणः–** सीमित विभागीय प्रतियोगिता परीक्षा के माध्यम से नियुक्ति पुलिस अवर निरीक्षक को पद के अनुरुप अथवा जैसा कि महानिदेशक एवं पुलिस महानिरीक्षक, झारखण्ड, राँची द्वारा निर्धारित किया जाय, प्रशिक्षण प्राप्त करना अनिवार्य होगा तथा वे दो वर्षो तक परिवीक्ष्यमान रहेगें। इस संबंध में पुलिस हस्तक भाग–3 के परिशिष्ट–41 के क्रमांक–05 में सीमित विभागीय प्रतियोगिता परीक्षा के माध्यम से नियुक्ति के लिए परिवीक्षा अवधि 02 वर्ष होने का समावेश किया जाता है।"

52. The said Rule also compulsorily provides for training and further provides that LDCE candidates would be on Probation for a period of two years. Appointment Letter of LDCE, vide Clauses 2 to 5, specifically incorporate aforesaid facts and further clearly provides, inter alia, that services would be confirmed only after completion of training and services would be purely temporary before such confirmation. It was also provided that in the event a candidate resigns from service during

Probation and/or Training period, the amount spent on training of such candidate shall be recovered from the candidate.

53. Thus, the State Government consciously, while framing enabling Rules for direct recruits or LDCE candidates, emphasised on the need of training to be imparted to such candidates and confirmation of service only upon completion of training. Reference in this regard may further be made to provisions of Rule 682 of the Police Manual, which reads as under:

> ***"682*** *(a) Extension of probationary period.—If in any case the Deputy Inspector-General does not find it possible to form a definite opinion, the officer concerned shall be transferred to another district, and shall remain on probation there for a further period of one year, in order that fresh and independent opinion from another Superintendent may be obtained on his work.*
> *At the end of this period, the Deputy Inspector-General shall either confirm or discharge the officer.*
> *(b) Discharge.—The Inspector-General may discharge a probationary Sub-Inspector at any time during the period of his probation, if he is satisfied that the probationer is not likely to become a satisfactory police officer. Rules for show cause are given in rule 668(a)*
> *(c) Explanation from course of training.—The Inspector-General can exempt Sub-Inspector or their equivalent ranks from undergoing the usual course of training and officers already under training from completing the course and passing the final examination of the Police Training College, prior to their confirmation in the rank of Sub-Inspector or its equivalent rank. This power will be exercised with caution and in cases in which it concerns public interest. If any trainee during the period of training suffers such an injury as a result of which he is not able to appear in every subject, in such circumstances, the Inspector-General may exempt such officer from appearing in those subjects.*
> *(d) The period spent under training and on probation will count as service towards pension.*
> *(e) Till such time as all the courses given in this chapter and appendix 93 are not arranged, at least all the initial recruits training course in different ranks and the refresher course (Rule 681) and promotion course [Rule 684(1)] should be arranged in consultation with the Principal, Police Training College. Officers of the rank of Inspectors shall be given a six weeks training in Advanced Training School at Patna also as per rule 681/I (d).*

54. A perusal of Rule 682 clearly provides for Extension of probationary period, and, Discharge of Probationary Sub-Inspector on being found by the Inspector-General that Probationer is not likely to become a satisfactory Police Officer. Rules 682(d) has been extensively relied upon by both the sides. While Petitioners contend that said Rule clearly provides that period spent under training and/or probation should have been counted only for the purpose of Pension and not towards seniority, Respondents contend that said Rule provides for counting of period spend under training and/or probation as 'In-service period" and, thus, automatically the said period would be considered for the purpose of determining seniority.

55. Having considered rival submissions and on careful examination of Rule 682(d), I am of the opinion that the maxim *expressio unius est exclusio alterius* (expression of one is the exclusion of another) would apply with full force here. The Rule expressly provides that period spent by a candidate under training and on probation shall be counted only for the purpose of Pension and for no other purpose including seniority. The term 'seniority' in particular, is conspicuously and deliberately excluded from the scope of Rule 689(d). Had the framers of the Police Manual intended that the probationary/training period be also reckoned for the purpose of seniority, nothing prevented them from saying so in as many words, exactly as they did for Pension. Their conspicuous silence on seniority, in a provision that otherwise goes out of its way to specify pension, is a

deliberate legislative choice and must be respected by this Court, rather than read down or explained away.

56. This can be illustrated by considering Rule 682(a), which provides for extension of Probation period. Under the said Rules, if in the opinion of Deputy Inspector-General, extension is required for a candidate for being satisfied that said candidate can appropriately perform the duty on the appointed post, probation period of said candidate can be extended. For example, if five candidates are appointed on the same date and are required to undergo Probation, which includes training/practical training, and, if out of five candidates, two candidates, in the opinion of Deputy Inspector-General, on completion of probation/training period, have not performed satisfactorily for being confirmed in service and are granted extension in probation period of one year, then it would be travesty of justice that if, later on, such two candidates, after completion of extended probation period, are confirmed in service and are ranked senior to other three candidates who have successfully completed the training/probation and whose services were earlier confirmed without extending their probation period.

57. Rule 682(d) read with Rule 689(c) form a coherent and internally consistent scheme i.e. the latter fixes the reckoning point for seniority at the date of actual recruitment to the permanent post i.e. upon confirmation; the former reinforces this scheme by expressly excluding the antecedent training/probation period from that reckoning, save for the limited purpose of pensionary benefit. There is, on this scheme,

simply no room left for the Private Respondents to claim seniority with effect from their provisional engagement, as upon confirmation of service, actual recruitment would take place.

58. During arguments, Mr. Sumeet Gadodia, Advocate invited attention of this Court to Supplementary Affidavit filed in the case of Praveen Kumar Gupta & Ors. [W.P.(S) No. 5407 of 2025] being Annexure SA-16. In the said Annexure, it was clearly noted inter alia that final examination, consequent upon training, was conducted of LDCE candidates in the month of December, 2021, and, vide Memo No. 1102 dated 02.08.2022, LDCE candidates were declared to have successfully completed training. Attention of this Court was also invited to Annexure SA-20 at Serial No. 195, wherein the date of confirmation of service of Respondent No.5-Mukesh Kumar was noted as 02.08.2022. Several other entries in the said Annexure were referred like Entry Nos. 21, 45, 51, 57 etc. wherein services of LDCE candidates were confirmed with effect from 02.08.2022 by clearly recording, inter alia, that services are confirmed on successful completion of basic training *(Buniyadi Prashikshan Utirnta)*. In the said Notification, further several entries, including entries of some of the Writ Petitioners, were shown, which shows that services of Writ Petitioners were confirmed with effect from 06.08.2021 i.e. the date on which Writ Petitioners completed training, including Practical training.

59. On the strength of above, it was argued that confirmation of service is an important facet under the Police Manual and before the said

date, an employee was merely a Probationer and could have been discharged at any point of time.

60. I have carefully perused Annexure SA-16 which clearly records that LDCE candidates were declared to have successfully completed their training on 06.08.2022 and have also carefully perused Annexure SA-20 which records that LDCE candidates' services have been confirmed with effect from the date of successful completion of training.

61. The Judgment cited by Mr. Sinha that confirmation of service relates back to initial appointment is a well settled law and requires no elaboration. However, the question involved herein is not relating to confirmation of service, but relating to inter-se seniority between two categories of candidates. Aforesaid is a general principle i.e. default rule would apply to fill a vacuum left in any statutory guidelines. However, as already held above, there is a specific provision for determination of inter-se seniority and the general principle must yield to the service rules which already occupied the field.

62. In the present case, *Jharkhand Police Manual* does not leave open the question of seniority of Sub-Inspectors of Police to be worked out by resort to general principle, as it deals with subject specifically and exhaustively through Rule 689(c). Even Rule 682(d) excludes the period of training/probation except for counting it towards Pension.

63. In the cumulative facts mentioned hereinabove, the Judgments cited at Bar by Respondents are clearly distinguishable especially in

view of the fact that under the Police Manual, due emphasis and importance is given to completion of training both at Training Academy or Physical training and confirmation of service thereafter.

64. No doubt, that Private Respondents were appointed earlier in point of time, though advertisement process of Writ Petitioners were initiated earlier in point of time. While Private Respondents contend that their training was delayed due to reasons not attributable to them and they cannot be made to suffer for delay in completion of training, the Writ Petitioners contend that their recruitment process was initiated earlier in point of time, but their appointment has been delayed for the reasons not attributable to them. This Court is not impressed with either of the arguments advanced by Writ Petitioners and Respondents regarding delay either in appointment and/or completion of training, as such delays are not alien in the administrative set up. What is relevant is the determination of inter-se seniority on the basis of existing Rules governing the field.

65. In view of cumulative facts and circumstances mentioned hereinabove, this Court is of the firm opinion that the date of completion of training and consequent order confirming the Sub-Inspectors in service, is a crucial date for determination of inter-se seniority. The delayed period spent on training and/or probation under the applicable Service Rules has been excluded for the purpose of counting of seniority.

66. In view of admitted fact that Private Respondents completed their training and were confirmed in service later in point of time to that

of direct recruit candidates, the impugned Seniority List published by Respondent-State of Jharkhand, contained in Memo No. 951/P dated 09.09.2024 is, hereby quashed and set aside.

67. Respondents are directed to re-arrange and publish the Final Seniority List by treating the candidates appointed through direct recruitment as Senior vis-a-vis the candidates appointed through LDCE. The only exception to above is that if any direct recruit candidate was not confirmed in service but his/her probation period was extended, seniority of said candidate would be fixed on the basis of the date when he or she was confirmed in service.

68. The above exercise would be completed by State of Jharkhand within a period of ten weeks from the date of this Judgment.

69. This Court specifically records its appreciation to assistance rendered by Advocates appearing for respective parties, as this Court feels that complex issue of inter-se seniority could not have been decided in an expeditious manner by this Court without their able assistance.

70. Having regards to the above discussions, all these Writ Petitions stand allowed. Pending I.As., if any, also stands disposed of. In the facts and circumstances of the case, there shall be no order as to costs.

(Deepak Roshan, J)

Dated:06 /11/2026
Amardeep/
.A.F.R/

Uploaded on
6.11.2026