

Case :- WRIT - A No. - 4924 of 2021

Petitioner :- Sushil Kumar Singh And 127 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Prashant Mishra, Tarun Agrawal

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir, J.

Heard Mr. Tarun Agrawal, learned counsel for the petitioners and Mr. Vikram Bahadur Singh, learned Standing Counsel assisted by Mr. Sharad Chandra Upadhyay, learned State Law Officer appearing for the State.

On 06.05.2021, this Court passed the following order, which is self-speaking:

"Petitioners are seeking age relaxation for applying against the posts of Sub-Inspector, for which advertisement has been issued in February, 2021 on the ground that although vacancies had come into existence in the years 2017, 2018, 2019 and 2020 also but were not advertised and the petitioners were deprived of their right to apply against such posts. It is submitted that in the matter of appointment to the post of Constable the issue has been examined by the Apex Court and the State Government has granted exemption in the past.

Reliance is placed upon the order of the Apex Court dated 13.06.2018 in Special Leave to Appeal (Civil) No.12569 of 2018. It is submitted that at least one opportunity be given to the petitioners also in the facts of the present case.

Learned Standing Counsel was allowed time to obtain instruction in the matter on 07.04.2021. Instructions have been received but they are of the date prior to 07.04.2021. As per the instructions there was no delay or default on part of the State in conduct of recruitment as the dispute relating to 2016 Advertisement was resolved by this Court on 11.09.2019 and the matter is still pending before the Apex Court.

Learned counsel for the petitioner submits that the above dispute, relied upon by the State, pertains to the year 2016 and there no restraint against holding of recruitment from the year 2017 to 2020. Parity is sought with the orders passed by the Apex Court in the above noted matter.

Learned Standing Counsel prays for and is allowed a week's further time to obtain better instruction in the matter. "

Today Mr. Vikram Bahadur Singh, learned Standing Counsel appears on behalf of the State and there are no instructions from the State in the matter.

He is granted three weeks' time to file a counter affidavit.

On the other hand, the issue raised in the writ petition is pertinent and that is that when for successive recruitment years advertisement is issued on a jumbled up basis, those who are eligible, if the advertisement were issued in the appropriate years as directed by the Supreme Court in Special Leave to Appeal (Civil) No. 12569 of 2018 vide judgment and order dated 13.06.2018, all the petitioners would be eligible to apply for the post of Sub-inspector in U.P. Police, which for the present they are not.

In the circumstances, it is ordered that on a provisional basis the petitioners' application form for the post of Sub-Inspector, who would be within the eligible limit as on 1st July, 2018, be accepted by the respondents **forthwith** and the petitioners may be included in the recruitment process, but their result shall not be declared without leave of this Court.

This order has been passed in view of the urgency that the last date for acceptance of the application forms is 15.06.2021, after two extensions already granted for the purpose. This order will, however, not operate in the event there is an order already passed by the Supreme Court relating to the recruitment of the years 2017, 2018, 2019 and 2020.

List this matter on **15.06.2021** in the additional cause list before the appropriate Bench.

Order Date :- 25.5.2021
Deepak