

Mahavir Singh

Vs

Staff Selection Committee and Another

Civil Appeal No. 163 of 1986

(O. Chinnappa Reddy, V. B. Eradi JJ)

17.01.1986

JUDGMENT

CHINNAPPA REDDY, J. -

1. Special leave granted.

2. The petitioner belongs to the Scheduled Castes. He joined the Delhi Police as a Constable on May 18, 1979. He became a graduate in 1981. On October 10, 1981, the Staff Selection Committee invited applications for filling up vacancies of posts of Sub-Inspectors of Police on the basis of a competitive examination. There were altogether 170 vacancies. The break-up of the vacancies, General and Reserved, Departmental and Non-departmental, as admitted by the respondents was as follows :

# Non-departmental Departmental

Total

(i) General	98 12 110
(ii) Scheduled Caste	22 3 25
(iii) Scheduled Tribe	16 2 18 (including 5 CF)
(iv) Ex-servicemen	17 -- 17

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The petitioner who appeared at the competitive examination was selected for appointment against one of the three vacancies reserved for Scheduled Castes from Departmental candidates. He was, however, not appointed on the ground that under the Rules as interpreted by the Delhi High Court in *Raj Kumar Singh v. Union of India*, there could be no further reservation for candidates belonging to the Scheduled Castes in the quota available to departmental candidates. A writ petition filed by the petitioner was dismissed by a Division Bench, who considered themselves bound by the decision in *Raj Kumar Singh v. Union of India*. Hence the appeal by special leave.

3. Rule 7 of the Delhi Police Rules is as follows :

Recruitment of SI (Executive) : 50% of the vacancies in the rank of SI and executives shall be filled by direct recruitment and 50% of the vacancies by way of promotion. Out of 50% direct quota 10% of the posts shall be filled through the departmental candidates viz. the constable, head constable and the ASI of not more than 30 years of age having the requisite qualifications and standards through the examinations for the departmental candidates by the SSC in accordance with relevant rules.

Education, physical and other standards for the posts of Sub-Inspector (direct recruited) shall be as under :

- #(1) Age 20-25 years Relaxable by 5 years only for Scheduled Castes/Scheduled Tribes and departmental candidates.
- (2) Weight 170 centimetres Relaxable by 4 cms. only for residents of hill areas e.g. Gorakhas, Garhwalis.
- (3) Chest 81 centimetre to Relaxable by 2 cms. 85 centimetres for residents of hill areas.
- (4) Educational Degree from a No relaxationQualification recognised University
- (5) Physical Sound health free No relaxationstandard from defect/deformity/disease, both eyes vision 6/12 (without glasses. No colour blindness)
- (6) Reservation
  - (i) For scheduled Castes/ Scheduled Tribes and Exservicemen etc. as per orders issued by Government from time to time.
  - (ii) For departmental candidates 10% of vacancies.

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4. According to the interpretation placed upon the Rule by the Delhi High Court while 15% of the total number of vacancies available for direct recruitment are reserved for Scheduled Castes, it is not permissible to reserve any vacancy for departmental candidates belonging to the Scheduled Castes. According to the High Court that would give departmental candidates belonging to the Scheduled Castes a double advantage. We fail to see how they get a double advantage. If we look at the break-up given by the respondents themselves, we see that out of a total of 170 vacancies, 15% of 170 that is, 25 vacancies are reserved for Scheduled Castes. Out of the 25 vacancies so reserved for Schedules Castes, 10% of 25, that is 3 (correcting 2.5 to the nearest numeral) are reserved for departmental candidates belonging to the Scheduled Castes. The reservations for Scheduled Castes and departmental Candidates operate vertically and horizontally. The reservation for departmental candidates is not in addition to the reservation for Scheduled Castes. We are told that that was how the department itself was interpreting the rule until their interpretation was upset by the Delhi High Court in Raj Kumar Singh case. We do not agree with the interpretation placed by the Delhi High Court. We allow the appeal with costs and direct the respondents to appoint the petitioner as Sub-Inspector of Police (Executive) with effect from the date on which the petitioner would have been appointed but for the mis-interpretation of the Rule and give to him all the benefits that would have accrued to him thereafter.

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