

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No(s).4735/2022

THE TELANGANA STATE LEVEL POLICE  
RECRUITMENT BOARD & ANR.

Appellant(s)

VERSUS

NARIMETLA VAMSHI & ORS.

Respondent(s)

O R D E R

The respondents participated in the selection process for filling up posts of Stipendiary Cadet Trainee Police Constable pursuant to notification dated 31.05.2018 issued by the appellants in respect of 16925 vacancies. On the selection process being concluded, a large number of candidates did not join their posts at all, and those posts were not filled by persons who had participated in the selection process, keeping in view their placement in the selection process. This was stated to be in accordance with norms where the State had taken a decision that the vacancies would be carried forward to the next selection process.

The rationale for the Rule was stated to be the

experience of the past by the State, where on account of various kinds of reservations persons would not opt for certain posts creating a practical problem in re-working out the merit list.

The candidates who were not selected against the posts which remained vacant filed a writ Petition (C) No.14926/2020, post the directions made by the High Court to consider the representation of such candidates which had been rejected. The writ petition was allowed vide judgment dated 14.06.2021. The appellant aggrieved by the same preferred writ appeal which was dismissed 31.12.2021. The present appeal has been preferred against these judgments. It is the say of the appellant that their decision is as per the norms, and in this behalf have referred to a notification dated 04.12.1998 which specifies the ad-hoc rule as under:-

“Notwithstanding anything contained in the Andhra Pradesh State and Subordinate Service Rules/ Special Rules or adhoc rules governing maintenance and operation of waiting list for all the Direct recruitments for the posts under the State and Subordinate Services and Last Grade Services that are being taken up by various recruiting agencies and also through Employment Exchange, the maintenance and operation of waiting list for all the recruitments shall be dispensed with and the list of candidates approved/ selected in any recruitment by any recruiting agency in the State in any department for such posts shall be equal to the number of vacancies notified for that recruitment

only including those meant for reserved community/ category notified by the Unit Officers. The fallout vacancies, if any, due to relinquishment and non-joining etc., of selected candidates shall be notified in the next recruitment.

(By order and in the name of the Governor of Andhra Pradesh)"

It is, thus, submitted that the participants were aware of this Rule and the Rule was never assailed and thus the relief granted to the respondents is not sustainable in law. On the other hand, learned counsel for the respondents referred to the factual matrix which emerged as set out in the impugned judgments.

Learned counsel submits that the relevant portion in this ad-hoc rule prescribes that the fall out vacancies are to be due to "relinquishment and non-joining etc."

It is his say that such an occasion did not arise when the threshold itself was not crossed. Learned counsel has drawn our attention to the Order of the learned Single Judge which records that nearly 500 candidates had expressed their unwillingness in writing and more than 750 candidates have not submitted their attestation forms and another 120 candidates have not reported for medical examination. This would necessarily mean that the selected candidates declined

the candidature for appointment to the post of the Police Constable on account of the aforesaid deficiencies and thus these selected candidates have not fully participated in the selection process. Such candidates, it was opined, had really declined to participate fully in the recruitment process and they backed off even before the recruitment process could be concluded, and vacancies on these accounts cannot be treated as fall out vacancies. The sequitur ought to have been that the appellants ought to have called the next meritorious candidate to participate in the recruitment process by giving an opportunity to them to submit their attestation forms and to attempt the medical examination.

Learned counsel also seeks to rely upon the judicial precedent in "Munja Praveen and Ors. Vs. State of Telangana and Ors." reported as (2017) 14 SCC 797, where while interpreting the concept of fall out vacancies, if any, due to relinquishment and non-joining, it has been opined that the appropriate interpretation of the GOM would be that after the appointment order is issued and the appointed person does not join, then the vacancy cannot be filled in on the basis of the waiting list or by operating the merit list downward.

Lastly it is urged that the Court has taken care of the

scenario where a person has joined and left as those vacancies are to be carried forward.

We have heard learned counsel for the parties in the conspectus of the aforesaid submissions and find no reason to interfere with the concurrent findings of the two Courts below. The manner of interpreting the rule in question has already been set out in Munja Praveen case (Supra). If a candidate has not gone through the process of recruitment, he has not done what was required to be done by him as set out herein above, it cannot be construed as a vacancy arising which has to be carried forward to the next recruitment process. As to the consequences of the large number of vacancies which have remained on these different accounts, the details of which have been set out herein above, again lend support to this conclusion that a large part of the process is not frustrated by not filling up of the vacancies. Public employment is an important source of employability for young people in the country where we are facing problems of adequacy of jobs; An interpretation of the kind sought to be propounded by the appellants would go against the very ethos of providing public employment to persons eligible and meritorious, by construction of a rule in a manner leaving a large number of vacancies unfilled. This would not be an appropriate interpretation.

We are thus in agreement with the view adopted and accordingly dismiss the appeal leaving parties to bear their own costs.

Interim order(s) stands vacated.

.....J.  
(SANJAY KISHAN KAUL)

.....J.  
(ABHAY S. OKA)

NEW DELHI  
23<sup>rd</sup> November, 2022

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

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**Date : 23-11-2022 This appeal was called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE ABHAY S. OKA**

**For Appellant(s)**      Mr. R. Basanth, Sr. Adv.  
                                 Mr. P. Venkat Reddy, Adv.  
                                 Mr. Prashant Tyagi, Adv.  
                                 Mr. P. Srinivas Reddy, Adv.  
                                 M/S. Venkat Palwai Law Associates, AOR

**For Respondent(s)**      Mr. K. Parameshwar, AOR  
                                 Ms. Arti Gupta, Adv.  
  
                                 Mr. Arjun Kumar, Adv.  
                                 Mr. Santhosh Kumar P., adv.  
                                 Ms. Medha Singh, Adv.  
                                 Mr. Mohit K. Jakhar, Adv.  
                                 Mr. Sravan Kumar Karanam, AOR

**UPON hearing the counsel the Court made the following  
O R D E R**

**The appeal is dismissed in terms of the signed order.**

**Pending application, if any, stands disposed of.**

**(RASHMI DHYANI PANT)  
COURT MASTER**

**(POONAM VAID)  
COURT MASTER**

**(signed order is placed on the file)**