IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO.49907 OF 2020
IN
WRIT PETITION (C) NO.310 OF 1996

PRAKASH SINGH & ORS. ....PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ....RESPONDENT(S)

IN THE MATTER OF :

STATE OF TRIPURA ……...APPLICANT(S)

O R D E R

This is an application filed by the applicant – State of Tripura for a direction to the Union Public Service Commission (UPSC) to prepare a fresh panel for appointment of DGP (HoPF), Tripura, by including three senior most IPS officers of Tripura Cadre in the panel.

The applicant - State has further prayed for a relaxation of the requisite minimum tenure of service of 30 years to 25 years for consideration for empanelment for selection as Director General of Police (DGP).

We have heard learned counsel appearing for the parties.

The instant application has been made in peculiar circumstances. The necessary qualification for appointment as a DGP is 30 years' service. As a result of the Union of India declining to release one eligible candidate Shri Amitabha Ranjan, IPS, for appointment as

DGP, there is only one other candidate who is available for appointment as DGP in the State of Tripura. This situation has arisen probably because of the size of the State and the paucity of senior IPS officers.

It is very clear that the norm that 30 years service should be a necessary qualification for being considered for appointment as Director General of Police has been laid down by the UPSC and not this Court. We do not consider it appropriate to relax the said requirement itself particularly since the requirement of an officer of sufficient experience has been insisted upon by this Court in the judgment of this Court in *Prakash Singh & Ors. vs. Union of India & Ors.* - (2006) 8 SCC 1.

However, the circumstances of the present case require a special relaxation to enable the applicant - State of Tripura to appoint Director General of Police. There is no doubt that a competent officer should be appointed to this post.

Mr. Naresh Kaushik, learned counsel appearing for the UPSC, has very fairly stated that the proposed relaxation may only be done once without setting a precedent.

Having regard to the circumstances of the case, we consider it appropriate to direct that the UPSC shall prepare a panel for appointment of a Director General of Police for the State of Tripura on the basis of merit from out of candidates who have a minimum qualifying

experience of 25 years instead of 30 years.

We order accordingly.

The instant interlocutory application for directions is disposed of in the above terms.

This order shall not be treated as a precedent.

At this stage, Mr. Raju Ramachandran, learned Amicus Curiae, has suggested that innumerable applications are being filed by several States for relief in this Court instead of approaching the High Courts. He has further suggested that such applications should be directed to be considered by the jurisdictional High Courts.

Mr. Ramachandran, learned Amicus Curiae, submits that the entire issue of monitoring the implementation of the guidelines resulting from the case of *Prakash Singh & Ors. (supra)* should be left to the jurisdictional High Courts.

This is a matter which require further consideration which may be done at a later date.

Let the matter be put up for consideration after four weeks.

.....CJI
[S.A. BOBDE]

.....J
[A.S. BOPANNA]

.....J
[HRISHIKESH ROY]

NEW DELHI;
JUNE 12, 2020.

ITEM NO.15 Virtual Court 1 SECTION PIL-W

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

I.A. No.49907/2020 in Writ Petition (Civil) No.310/1996

PRAKASH SINGH & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(Mr. Prashant Bhushan, Advocate, Mr. Raju Ramachandran,Sr. Advocate(A.C), Ms. Archana Pathak Dave, Advocate (A.C), Mr. B.V. Balaramdas, Advocate, Mr. G.S. Makker, Advocate, Mr. Shuvodeep Roy, Advocate name be shown in the Causelist)

(For I.A. No.49907/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-06-2020 The application was called on for hearing today.
CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE HRISHIKESH ROY

<u>Counsel for the parties</u>

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Mrs. Binu Tamta, Adv.
Miss Snidha Mehra, Adv.
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Mr. G.S. Makker, AOR

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Mr. Abhishek, AOR

Ms. Garima Prashad, AOR

M/S. PLR Chambers And Co., AOR

Mrs. Lalita Kaushik, AOR

UPON hearing the counsel the Court made the following

O R D E R

The instant interlocutory application for directions is disposed of in terms of the signed order.

Let the matter be put up for consideration after four weeks.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)