

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 105 of
2019**

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SUO MOTU

Versus

STATE OF GUJARAT & ANR.
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Appearance:

MR GAUTAM M JOSHI, SR. ADVOCATE WITH MR IG JOSHI(8726)
as AMICUS CURIAE

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1

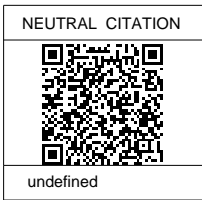
MR GH VIRK, GOVERNMENT PLEADER with MR KRUTIK
PARIKH, AGP for the Opponent(s) No. 1,2
=====**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

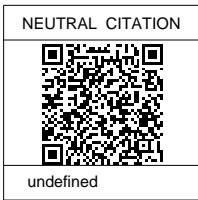
HONOURABLE MR. JUSTICE PRANAV TRIVEDI**Date : 27/09/2024****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. Pursuant to the order dated 23.08.2024, personal affidavits of the Secretary, Home Department dated 20.09.2024 and 27.09.2024 have been filed, wherein it is stated that Gujarat State Police is mainly compartmentalised in the following positions :-

- i. Police Constable, Class III (through direct recruitment).
- ii. Head Constable, Class III (through promotion).

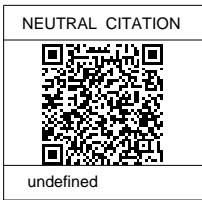


- iii. Assistant Sub Inspector, Class III (ASI) (through promotion).
 - iv. Police Sub Inspector, Class III (PSI) (recruited through three modes, viz. Mode 1- direct recruitment, Mode 2 - open competition (semi direct recruitment) or Mode 3 - Promotion).
 - v. Police Inspector, Class II (PI) (through direct recruitment and through promotion)
 - vi. Intelligence Officer, Class II (IO) (through deputation and promotion.
 - vii. Assistant Intelligence Officer (AIO) (through direct, promotion and deputation).
2. The posts of Police Constable, Head Constable, Assistant Sub-Inspector falling in Class-III category form Police Constabulary, whereas the Police Sub Inspector would fall within the category of senior police officials. The police force is further divided in various branches such as Unarmed and Armed, Motor transport and Wireless.
3. From the details given in the affidavit, the post of Police Constable, Class-III is purely a direct recruitment post whereas Head Constable and Assistant Sub-Inspector are appointed through promotion only. The recruitment to the post of Police Sub-Inspector is by three modes, viz. (i) direct recruitment; (ii) open competition (semi direct recruitment); (iii) Promotion. The mode of appointment to the post of Police Inspector, Class-II is both by direct



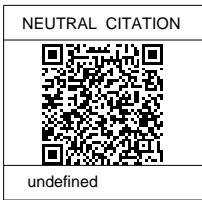
recruitment and promotion. The Intelligence Officer, Class II is filled up through deputation and promotion, whereas the post of Assistant Intelligence Officer is filled up by three modes, i.e. direct recruitment, promotion and deputation.

4. It is stated that the Gujarat Police Recruitment Board has been constituted to fulfill the task of recruitment for direct recruitment post and also conduct semi-direct recruitment for the posts of Police Constable, Head Constable, Assistant Sub-Inspector and Police Sub-Inspector. The Gujarat Public Service Commission is tasked with the recruitment for the post of Police Inspector. The promotions for the posts of Police Constable to Head Constable and Head Constable to Assistant Sub-Inspector are made by the Departmental Promotion Committee (DPC) comprising of senior police officials as well as officials from the Home Department, Government of Gujarat.
5. In the case of State Reserve Police Force (SRPF), appointment to the post of Police Constable (SRPF) is by direct recruitment, whereas the appointment to the higher posts in hierarchical order such as Head Constable, Assistant Sub-Inspector and Police Sub-Inspector are made by promotion only. The post of Technical Operator is filled by direct recruitment.
6. In this backdrop of the structure of the police establishment, a chart has been placed in the affidavit to



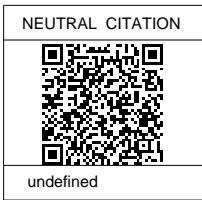
indicate the total number of sanctioned posts, the posts filled and vacancies existing as on 31.07.2024. Out of 1,28,438 posts, 95,053 posts are filled and the total vacancy in various cadre for different posts is 33385 out of which, total 7,725 posts were vacant, to be filled by promotion as on 31.07.20214. However, a total of 2,477 officers have been promoted to the respective cadres after 31.07.2024.

7. Thus, 5,248 posts remained vacant to be filled by way of promotion. The office of the Director General of Police, Gujarat and the Secretary, Home Department, Government of Gujarat jointly proposed to fill the posts of Head Constable and Assistant Sub-Inspector falling under various district offices by way of promotion by 31.12.2024. It is submitted that the promotion to the posts of Police Inspector and Police Sub-Inspector shall be made preferably by 31.03.2025.
8. From the chart of the vacancy position in different cadres to be filled by promotion as on 31.07.2024, it can be seen that there are huge vacancies on the posts of Assistant Sub-Inspector (unarmed) and Head Constable (unarmed). As per the details given in the chart, Assistant Sub Inspector (unarmed) and Assistant Sub-Inspector (armed), which are purely promotional posts, the total number of vacancies as after 01.09.2024 comes to $411 + 466 = 877$. Similarly, the vacancy position for Head Constable (unarmed) and Head Constable (armed) as after 01.09.2024 (as on date) is $566 + 413 = 979$. Head



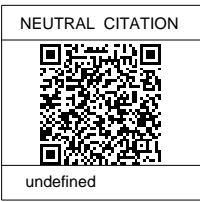
Constable is also a purely promotional post.

9. Thus, from the statement of the deponent, viz. Secretary, Home Department, we take it that the total post of Head Constable and Assistant Sub-Inspector both armed and unarmed, the total vacancies noted hereinabove, would be filled by way of promotion by 31.12.2024. We, therefore, require the Director General of Police, State of Gujarat to give us the timetable for completion of the said promotion exercise.
10. Further, for the vacant promotional posts of Police Sub-Inspector (unarmed) and Police Sub-Inspector (wireless) as also Police Sub-Inspector (motor transport), total number of vacant posts on date, are :- $1156+26+4 = 1186$ as per the statement of the Secretary, Home Department, the promotion exercise for which shall be completed preferably by 31.03.2025. The timeline or the calendar for completion of promotional exercise for the posts of Police Inspector (unarmed), Police Inspector (armed), Police Inspector (motor transport) and Police Inspector (wireless), total number of promotional vacancies are $172+41+11+3 = 227$ is 31.03.2025. We, therefore, require the Director General of Police, Gujarat State to give us timetable of the promotion exercise for the posts of Police Inspector and Police Sub-Inspector, as noted above.
11. It is further submitted that owing to superannuation, resignation, promotions in the present calendar year, total



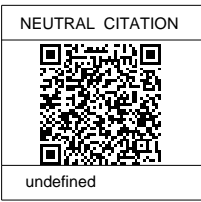
200 posts are anticipated, which the department contemplates to fill up in the following years, keeping in mind the administrative exigencies.

12. With regard to direct recruitment posts, a recruitment plan has been prepared whereby a total of 11,377 posts of direct recruitment have been advertised vide advertisement No.GPRB/10202324/1 published on 12.03.2024. The said posts, after completion of the entire recruitment process would be filled by September 2025. However, the progress made in the recruitment process initiated in the month of March 2024 so far is not before us. The remaining 14,283 posts are proposed to be filled tentatively by September 2026. All these vacancies largely are of the posts of Police Constables of various branches of the police force, which form part of the police constabulary, namely the main ground force.
13. We, therefore, require the Director General of Police, Gujarat State to give us timetable for completion of the process of direct recruitment to the posts of Police Sub-Inspector and Police Constable, in total 25,660 posts, which are to be filled up in two phases by September 2025 and September 2026 by the Gujarat Police Recruitment Board.
14. It is further submitted that the recruitment drive would include on-field and in-class training conducted at five training centres in the State of Gujarat, which are equipped to train an aggregate of 5000 number of



candidates at a time. The recruitment calendar is planned in such a manner so that with the transition of one batch of candidates into service, another batch of candidates would start their training at the institutes. It is further contended that five training centres are presently working with more than 100% capacity.

15. As regards the recruitment rules, it is stated that as per the timeline given by the Court under the order dated 23.08.2024, recruitment rules for four cadres have been amended and notified. The copies of the notifications issued in the official gazettee are to be placed before the Court on the next date.
16. With regard to the remaining two posts, viz. Police Sub-Inspector (Mode 2) and Technical Operator, amendments in the recruitment rules are at the final stage and shall be notified shortly. The notification of the said amendments published in the official gazette is to be placed before us.
17. Lastly, the Gujarat Recruitment Board had been created vide Government Resolution dated 07.03.2024 and as per the Government Resolution dated 17.05.2023, the constitution of the recruitment board has been provided. The details with regard to the Chairman and members of the recruitment board, duly appointed, shall be given in the said affidavit and the vacancy, if any, of the members of the recruitment board shall be filled in the meantime.
18. Let an affidavit be filed by the Director General of Police,



Gujarat State in compliance of this order on 04.10.2024.

Put up on 04.10.2024.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

BIJOY B. PILLAI