

Before Jagmohan Bansal, J.

SANDEEP KUMAR AND OTHERS—Petitioners

versus

STATE OF HARYANA AND OTHERS—Respondents

CWP No. 24483 of 2025

September 04, 2025

Constitution of India, 1950—Art. 226—Punjab Police Rules, 1934 (as applicable to Haryana)—Petitioners- Constables challenged order of DGP including their names in List-B under 35% Seniority-cum- Fitness category for Lower School Course - for promotion as Head Constables.

Whether in the absence of any Rule, can the State compel employees to be promoted who do not wish to be promoted?

In the absence of any Rule, the State cannot compel employees to be promoted who do not wish to be promoted. Promotion is recognition. It is neither mechanical nor automatic.

Punjab Police Rules, 1934— Rules 13.1, 13.7 and 13.8 (as applicable to Haryana) a candidate who wants promotion has to comply with various parameters and pass tests. In the absence of any particular Rule, the State could not compel the Petitioners to undergo Lower School Course and then seek promotion. If the Petitioners do not want promotion, the State cannot compel them unless specific Rules are framed. Petitions allowed.

Held, that from the perusal of Rule 13.1 of PPR, it is evident that promotion is made by selection tampered by seniority. Efficiency and honesty are the main factors governing selection of candidates. When qualifications of two Officers are otherwise equal, the senior is promoted. Rule 13.7 prescribes detailed procedure for selection of candidates for admission to Lower School Course. Candidates who are unable to clear Lower School Entrance Test are considered under 35% Seniority-cum Fitness Quota. Under 62% Quota, Constables under the age of 35 years are considered whereas under 35% Quota, Constables between 35 to 40 years of age are considered. In both the situations, there is requirement to complete 05 years' qualifying service. No candidate can be considered under 62% as well as 35% category simultaneously. There is provision for reservation. Candidates belonging to Reserved Category are entitled to relaxation. DGP has to constitute Departmental Selection Committee for selection of Constables to be deputed for Lower School Course under aforesaid

categories. Marks are prescribed for assessment of the Constables. Rule 13.7 in totality provides that persons who are fit in all respects ought to be considered for promotion. As per Rule 13.8 of PPR, as soon as Lower School Course is completed, name of successful candidates is brought on List-C.

It is well known that promotion is recognition and every Officer wants promotion. There is always dispute with respect to promotion. It is a strange case where petitioners are denying promotion whereas respondent is compelling them to be promoted.

(Para 10)

Further held, that from the conjoint reading of Rules 13.1, 13.7 and 13.8 of PPR, it appears that a candidate who wants promotion has to comply with various parameters and pass tests. Promotion is not automatic. In the Lower School Course, physical fitness is examined and candidate has to clear many papers. These facts collectively prove that promotion is recognition and it is neither mechanical nor automatic. The petitioners do not wish to be promoted. The respondent in the absence of particular Rule cannot compel petitioners to undergo Lower School Course and thereafter seek promotion. The respondents need to amend applicable Rules so that problem may be resolved. Letter of DGP cannot compel petitioners to accept promotion.

(Para 11)

Further held, that in the wake of above discussion and findings, this Court is of the considered opinion that petitioners cannot be compelled to seek promotion. It is their prerogative. If they do not want promotion, the respondent cannot compel them to seek promotion unless and until specific Rules are framed.

(Para 12)

Balkar Singh, Advocate and Gurdeep Grewal, Advocate, *for the petitioners.*

Ashok Kumar Khubbar, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

(1) As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-24483-2025**.

(2) The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 04.08.2025 whereby Director General of Police, Haryana (**DGP**) has included their names in List-B under 35% Seniority-cum-Fitness

category for the year 2022 Lower School Course.

(3) The petitioners are part of Haryana Police Force. They are more than 35 years old. They are holding rank of Constable. Selection of Constables for admission to Lower School Course is made in the manner prescribed under Rule 13.7 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR'). Post of Head Constable is a promotional post. The respondent has included name of petitioners in List-B under 35% Seniority-cum-Fitness Quota. The respondent wants to depute petitioners for Lower School Course of 2022 Batch. The petitioners are unwilling to undergo Lower School Course because they do not want promotion. They want to retain their present status i.e. post of Constable.

(4) Learned counsel representing the petitioners submits that petitioners do not want to go for Lower School Course because they do not wish to hold substantive rank of Head Constable. They are ready to forego their Assured Carrier Progression Scheme. They would never claim benefits financial or otherwise attached to promotional post of Head Constable.

(5) *Per contra*, learned State counsel submits that there is acute shortage of Investigating Officers. Investigation cannot be conducted by a Constable and only a Head Constable can be Investigating Officer. The petitioners have no right to deny promotion. DGP has issued letter dated 20.09.2024 clarifying that Constables are duty bound to accept promotional post of Head Constable.

(6) I have heard learned counsel for the parties and perused the record with their able assistance.

(7) The respondent is relying upon letter dated 20.09.2024 of DGP which is reproduced as below:

“Subject:- Instructions regarding removal of names from seniority list in the ranks of Head Constable or above, List C-1 and promotion list B-1.

Memo

Please refer to the subject cited above.

In this regard, it has been observed that applications of Police Officials are received for removal from the ranks of Head Constable or above, list C-1 and promotion list B-1 in this office citing the reasons of personal hardships/physical problems of self or family members etc.

In view of large number of such applications being received,

it appears that tendency is developing among police officials to get their names removed from the ranks of Head Constable or above, List C-1 and promotion list B-1 in order to avoid investigation work. If police personnel start avoiding investigation work like this, it will result in severe shortage of Investigation Officers in the department. At present, the department is already facing this problem due to large number of vacancies in the rank of Head Constable. If the situation does not improve, the performance of this primary duty of investigation of crimes in the State will be seriously hampered.

Police officials who get enrolled in Police Department are bound to perform duties of Law & Order, Investigation and other duties which are assigned to them. Furthermore, the department invests a lot of energy and resources to train Police Officials to become good Investigation Officers. Hence, this undesirable tendency among Police officials to avoid the investigation work has to be discouraged.

Moreover, if, any police official has genuine problem, he/she may be given light duty/non-investigation work for some time as per requirement, in such a way that relief is provided to the affected official and work of the department also does not suffer.

In view of above, it may be ensured that such applications for removal of names from those candidates who have already attended the Lower School Course, or whose name has been entered in list C-1 or promotion list B-1, are not entertained.

The above directions may be complied within letter and spirit.

(Sanjay Kumar) IPS ADGP/Administration
for Director General of Police, Haryana."

(8) From the perusal of aforesated letter, it is evident that it is an administrative letter. It has no binding force and at least is not binding on the Court. Matter needs to be examined in the light of applicable Rules.

(9) The promotion from the post of Constable to Head Constable is governed by Rule 13.1 read with Rules 13.7 and 13.8 of PPR. The said Rules are reproduced as below:

“13.1 Promotion from one rank to another:-

(1) Promotion from one rank to another, and from one grade to another in the same rank shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or practical experience, shall be carefully considered in each case. When the qualifications of two officers are otherwise equal, the senior shall be promoted. This rule does not affect increment within a time-scale.

(2) *Under the present constitution of the police force no lower subordinate will ordinarily be entrusted with the independent conduct of investigations or the independent charge of a police station or similar unit. It is necessary, therefore, that well-educated constables, having the attributes necessary for bearing the responsibilities of upper subordinate rank, should receive accelerated promotion so as to reach that rank as soon as they have passed the courses prescribed for, and been tested and given practical training in the ranks of constable and head constable.*

(3) For the purposes of regulating promotion amongst enrolled police officers six promotion lists - A, B, C, D, E and F will be maintained.

Lists A, B, C, and D shall be maintained in each district as prescribed in rules 13.6, 13.7, 13.8 and 13.9 and will regulate promotion to the selection grade of constables and to the ranks of head constables and assistant sub-inspector. List E shall be maintained in the office of Deputy Inspector-General as prescribed in sub-rule 13.10 (1) and will regulate promotion to the rank of sub-inspector. List F shall be maintained in the office of the Inspector-General as prescribed in sub-rule 13.15(1) and will regulate promotion to the rank of Inspector.

Entry in or removal from A, B, C, D or E lists shall be recorded in the order book and in the character roll of the police officer concerned. These lists are nominal rolls of those officers whose admission to them has been authorised. No actual selection shall be made without careful examination of character rolls.

(4) Nothing contained in these rules shall affect reservation and other concessions required to be provided for Scheduled Castes and other Backward Classes in accordance with the orders issued by the State Government in this regard, under

clause (4) of Article 16 of the Constitution of India.

13.7- Selection of constables for admission to Lower School Courses:-

(1) A list B shall be maintained at the State Police Headquarters as per Form 13.7. It shall include the names of all constables selected for admission to the Lower School Course. Selection to the list B shall be made annually for the entire State and shall be limited to the number of seats determined for the general and different reservation categories for the year. The number of seats for Lower School Course in a year shall be determined on the basis of existing vacancies of head constables and the vacancies likely to be created within one year in the entire State. The total seats determined for admission to Lower School Course in a year shall be filled up as under :-

- (a) 62% of the seats shall be filled up on the basis of aggregate of constable's service record, marks obtained in a competitive examination called the Lower School Entrance Test (LSET) and parade;
- (b) 35% on the basis of seniority-cum-fitness;
- (c) 03% on the basis of consistent outstanding performance in job/obtaining gold or silver medal in all India police games and duty meet/national games or exceptional display of bravery during the course of performance of official duty: Provided that no constable during the period when he is undergoing major punishment shall be eligible for entry into list B.

(2) *The Lower School Entrance Test shall be an online objective type test of ninety minutes duration comprising of one hundred forty multiple choice questions carrying one mark each with a provision of negative marking at the rate 0.25 mark for marking an incorrect answer. Every candidate appearing in the online Lower School Entrance Test on submitting his test finally shall be able to view his test score on the screen instantly and shall also be given a hard copy of his score card, after the test. The syllabus for Lower School Entrance Test shall be the same as prescribed for the basic recruit course for constable. Constable shall have to score a minimum of fifty percent to qualify in the Lower School Entrance Test. Only those who qualify shall be allowed to appear in the parade test and for eventual*

selection within this category.

(a) Parade test: All the eligible candidates shall appear in a parade test of total 10 marks with the following breakup:

(i) Turn Out	01;
(ii) Marching	02;
(iii) Arms drill	02;
(iv) Command control	02;
(v) Weapon handling	03.

(b) There shall be no interview test for selection of constables for List B.

(3) Eligibility:

(a) 62% selection category: All constables irrespective of their educational qualifications shall be eligible to appear for Lower School Entrance Test, if they are under the age of 35 years and have completed 5 years of qualifying service on the 1st day of January of the year in which selection is made.

(b) 35% selection category: All constables irrespective of their educational qualifications shall be eligible to be brought on list B on seniority-cum-fitness basis i.e. under 35% category if they are between 35 to 40 years of age and have completed 5 years of qualifying service on the 1 st day of January of the year in which selection is made. However, candidates appearing under this category shall have to attain a minimum bench mark of 31 marks to be eligible for consideration for selection under this category.

(c) 03% selection category: All constables irrespective of their educational qualifications shall be eligible to be brought on list B under 03% category i.e. on the basis of consistent outstanding performance in job/obtaining gold or silver medal in all India police games and duty meet / national or international games or exceptional display of bravery during the course of performance of official duty if they are under the age of 40 years and have completed five years of qualifying service on the 1st day of January of the year in which selection is made.

Provided that-

(i) a constable belonging to reserve category who is

recruited near the maximum prescribed age limit for the category as per Government instructions shall be allowed to appear in Lower School Entrance Test (LSET) for minimum three consecutive chances after completion of five years of service even if he has crossed the age of 35 years up to maximum of 40 years of age;

(ii) an ex-serviceman enrolled as constable shall be allowed to appear in Lower School Entrance Test (LSET) for three consecutive chances irrespective of age after completion of five years of qualifying service;

(iii) no candidate shall be considered eligible under 62% as well as 35% selection category simultaneously. The ex-servicemen or reserve category candidate who is over 35 years of age shall have to either, first exhaust his chance to compete in Lower School Entrance Test (LSET) or surrender it in writing before becoming eligible to be considered against 35% selection category;

(iv) a candidate eligible under 03% category may be simultaneously considered under 62% or 35% selection category. However, where the name of such candidate appears in more than one selection category, the candidate shall be considered by the Departmental Selection Committee under the category in which chances of his final selection are maximum. However, the decision of the Departmental Selection Committee regarding retaining / bringing his name under one of the selection category shall be final.

(4) Departmental Selection Committees (DSCs):

(a) The Director General of Police shall constitute separate Departmental Selection Committees for selection of constables to Lower School Course one each for the 62%, 35% and 03% selection category. Each DSC shall consist of an officer not below the rank of Deputy Inspector General of Police as Chairperson and two officers not below the rank of Deputy Superintendents of Police as Members. The DSC so constituted with the approval of Director General of Police may co-opt as many officers/staff as required for the smooth conduct of selection process. For all eligible candidates, the Lower School Entrance Test shall be held at one prescribed place only to rule out any possibility of unfair practice at different centres during this examination.

(b) The assessment of service record shall be done on the basis of education, training courses passed and commendation certificate during the service.

The marks assigned to these shall be as follows:-

(i) Education

Class	Mark
10+2	01
ITI or Polytechnic college Certificate in any Technical Trade	02
ITI of Polytechnic college Diploma in any Trade	03
Graduate (Arts.)	03
Graduate (Science and Engineering)	05
Law Graduate	08
Post Graduate (Arts)	06
Post Graduate (Science)	08

(ii) Commendation Certificates (CC) :

CC	Mark
Class I	03
Class II	02
Class III	01

Total marks to be awarded for commendation certificates shall not exceed 10. Commendation granted upto 1st July of the previous year only shall be taken into consideration for counting the marks.

(iii) Training Courses Passed:

Maximum marks awarded for training courses passed by a candidate shall be thirty. Only the training courses passed by the candidates upto 31st December of the year preceding the year in which selection is made shall be taken into account while awarding marks. Constables who obtain all round 1st, 2nd and 3rd positions in the basic recruit training course shall be awarded 15, 10 and 05 marks respectively. Following marks shall be given for general and special training courses passed by a candidate.

General (Duration)	Mark	Special (Duration)	Mark
For training courses of less than two weeks	01	Armourer Basic Course-(10 M)	10
For training courses of two weeks	02	Police commando Instructor Course by National Security Guard /Central Armed Police Force	06
For training courses of duration exceeding 2 weeks but not exceeding 4 weeks	03	Bomb Disposal Cours- Advance by National Security Guard/Central Armed Police Force	06
For training courses of duration exceeding 4 weeks but not exceeding 6 weeks	04	Bomb Disposal Course- Basic	05
For training courses of duration exceeding 6 weeks but not exceeding 8 weeks	05	Basic Commando Course (3M)	05
8 weeks but not exceeding 12 weeks	06	Special Weapon and Tactics Course – (3M)	05
For training courses of duration exceeding 12 weeks but not exceeding 16 weeks	07	Un-Armed Combat for Women – (3M)	05
16 weeks but not exceeding 20 weeks	08	Martial Arts for Men - (3M)	05

For training courses exceeding 20 weeks	10	Drill Basic Course – (4M)	05
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(iii) Negative marking:

Marks at the following rate shall be reduced for every major/minor punishment while calculating marks for both categories of competitive examination and seniority:-

Punishment	Mark
For every major punishment	05
For every minor punishment	02

The major/minor punishment considered for deduction of marks shall only be those which have been awarded on or before the 1st day of July of the year preceding the year in which selection is made.

(5) Selection on the basis of seniority-cum-fitness i.e. under 35% category:

(a) For selection of 35% candidates on the basis of seniority-cum-fitness as mentioned in sub-rule (1) above, the Departmental Selection Committee shall grant marks in this category for service records on the same basis as mentioned in sub-rule (4) above. Further for this category, marks shall also be awarded for the length of service as on 1st January of the year in which selection is made at the rate of 2 marks for each completed calendar year of service after 5 years of qualifying service subject to a maximum of 24 marks:

Provided that exemptee Head Constables who were promoted in view of Director General of Police, Haryana standing order No.127/2008, dated the 22nd September, 2008 are willing for admission of their names to list B according to seniority-cum-fitness in view of their consequential reversion then they can do so in their own interest by giving their consent in writing and on being admitted to list B shall be reverted to the rank of constable.

(6) Selection under 3% category :

(a) Selection of constables for Lower School entrance under 3% category at the rate of one percent for each of the

following categories shall be made by the Department Selection committee from amongst the recommendations forwarded by the Superintendents of Police through their respective Inspectors General of Police to the State Police Headquarters up to 31st December of the preceding year in which selection is made.

- (i) on the basis of consistent outstanding performance in job- (1%);
- (ii) attaining Gold or Silver Medal in All India Police Games & Duty Meet/National Games – (1%);
- (iii) exceptional display of bravery during the course of performance of official duty – (1%)

(b) Whenever, no case is found suitable for recommendation under this category, the Superintendent of Police shall forward recommendation certificate to this effect to the State Police Headquarters through the respective Inspectors General of Police; Provided that sports achievements under consideration for selection under 3% category pertaining to constables who have been enrolled into service against posts reserved for Sportspersons category relate only to the period, after their having joined the service.

(7) Order of merit:

(a) For the purpose of determining inter-se-merit of the constables for the aforementioned three different categories for admission to list B, wherever, the score / achievement of two or more constables is found to be equal, the constable who is senior in service shall be selected first; further, in case, two or more constables who have equal scores and the same seniority, then the constable who is higher on inter-se-merit of the basic recruits course shall be brought on list B first, finally, if there is still a tie between candidates, the constable who is senior in age shall be selected first.

(b) Government policy on reservation in promotion, if any, shall be followed for selection of constables for list B under 62% as well as for 35% category. However, no reservation policy shall be applicable under 3% category meant for selection of constables on the basis of Consistent Outstanding Performance in job, All India Police Games / Duty Meet / National Games and for Exceptional Bravery.

(c) There shall be no waiting list. Seats which remain unfilled in any of the above mentioned category in a year shall lapse.

(8) The recommendations of the Departmental Selection Committee shall not be final until the same are approved by the Director General of Police. The Director General of Police shall accord his approval only after due scrutiny of the list about its correctness. The Director General of Police may either consider to seek any clarification or refer the list back to the Departmental Selection Committee concerned for correction of errors/omission in the list, if any

13.8 List C. Promotion to Head Constables.-

(1) In each district a list shall be maintained in card index form (Form 13.8(1) of all constables who have passed the Lower School Course at Phillaur and are considered eligible for promotion to Head Constables. A card shall be prepared for each constable admitted to the list and shall contain his marking under sub-rule 13.5(2) and notes by the Superintendent himself, or furnished by Gazetted Officers under whom the Constable has worked, on his qualifications and character. The list shall be kept confidentially by the Superintendent and shall be scrutinized and approved by the Deputy Inspector- General of Police at his annual inspection.”

(10) From the perusal of Rule 13.1 of PPR, it is evident that promotion is made by selection tampered by seniority. Efficiency and honesty are the main factors governing selection of candidates. When qualifications of two Officers are otherwise equal, the senior is promoted. Rule 13.7 prescribes detailed procedure for selection of candidates for admission to Lower School Course. Candidates who are unable to clear Lower School Entrance Test are considered under 35% Seniority-cum- Fitness Quota. Under 62% Quota, Constables under the age of 35 years are considered whereas under 35% Quota, Constables between 35 to 40 years of age are considered. In both the situations, there is requirement to complete 05 years' qualifying service. No candidate can be considered under 62% as well as 35% category simultaneously. There is provision for reservation. Candidates belonging to Reserved Category are entitled to relaxation. DGP has to constitute Departmental Selection Committee for selection of Constables to be deputed for Lower School Course under aforesaid categories. Marks are prescribed for assessment of the Constables. Rule 13.7 in totality provides that persons who are fit in all respects ought to

be considered for promotion. As per Rule 13.8 of PPR, as soon as Lower School Course is completed, name of successful candidates is brought on List-C.

It is well known that promotion is recognition and every Officer wants promotion. There is always dispute with respect to promotion. It is a strange case where petitioners are denying promotion whereas respondent is compelling them to be promoted.

(11) From the conjoint reading of Rules 13.1, 13.7 and 13.8 of PPR, it appears that a candidate who wants promotion has to comply with various parameters and pass tests. Promotion is not automatic. In the Lower School Course, physical fitness is examined and candidate has to clear many papers. These facts collectively prove that promotion is recognition and it is neither mechanical nor automatic. The petitioners do not wish to be promoted. The respondent in the absence of particular Rule cannot compel petitioners to undergo Lower School Course and thereafter seek promotion. The respondents need to amend applicable Rules so that problem may be resolved. Letter of DGP cannot compel petitioners to accept promotion.

(12) In the wake of above discussion and findings, this Court is of the considered opinion that petitioners cannot be compelled to seek promotion. It is their prerogative. If they do not want promotion, the respondent cannot compel them to seek promotion unless and until specific Rules are framed.

(13) In the above premise, the instant petitions are *allowed*. It is hereby made clear that petitioners, as conceded, shall not be entitled to any financial or other benefits which are attached to the post of Head Constable.

Reporter-Shubreet Kaur