

GAHC040012562025

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/341/2025

Kayin Ering and 4 Ors
Unit 5th IRBn (APP) BHQ Pasighat, present address C/o SP cum CSLO HCM
Security Office Establishment, Itanagar.

2: Tadar Nachung
Age:
Occupation :
Son of Late Tako Hinda Tadar
Village Yuba
PO and PS Nyapin
Kurung Kumey District
Arunachal Pradesh and present address O/o Commandant 4th IRBN BHQ Jolly

3: Bedum Borang
Age:
Occupation :
Son of Late Oki Borang
Kiyit Village
PO and PS Mebo
East Siang District
present address O/o HCM Security Cell Itanagar
Unit 5th IRBN BHQ Pasighat

4: Bojer Yordung
Age:
Occupation :
Son of Tanya Yordung
Tato Village
PO and PS Tato
Shi Yomi District
place of posting 3rd IRBN
BHQ Seijosa.

5: Oyon Tayeng

Age:
Occupation :
Son of Sore Tayeng
Mebo Village
PO and PS Mebo
East Siang District
place of posting 1st IRBN BHQ Namsangmu

VERSUS

The State of AP and 15 Ors
through the Chief Secretary, Govt of Arunachal Pradesh, Civil Secretariat, Itanagar.

2:The Principal Secretary (Home)

Age: 0
Occupation :
Department of Home
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

3:The Commissioner

Age: 0
Occupation :
Home Department
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar.

4:The Director General of Police

Age: 0
Occupation :
Govt of Arunachal Pradesh
Police Headquarters
Itanagar 791113

5:Deepak Langkam

Age: 0
Occupation :
Son of Late Maggul Langkam
presently posted at PHQ
Itanagar
PO and PS
Itanagar
Papum Pare District
Arunachal Pradesh

6:Phassang Simi

Age: 0

Occupation :

Son of Late Phassang Tanang presently posted as Officer in Charge Doimukh Police Station Papum Pare District Arunachal Pradesh

7:Mipak Riba

Age: 0

Occupation :

Son of Late Momi Riba

presently posted at Anti Corruption Branch Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh

8:Tashi Yangi

Age: 0

Occupation :

Son of Late Tanong Yangki

presently posted at PHQ Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh

9:Minli Geyi

Age: 0

Occupation :

Son of Kimin Geyi

presently posted at Seppa Police Station

East Kameng District

Arunachal Pradesh.

10:Rajen Yekar

Age: 0

Occupation :

Son of Shri Tabik Yekar

presently posted at PHQ Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh

11:Inya Ete

Age: 0

Occupation :

Son of Late Roi Ete

presently posted at ACB

Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh.

12:Khiksi Yangfo

Age: 0

Occupation :

Son of Late Taro Yangfo

presently posted at PS Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh.

13:Jumli Kamduk

Age: 0

Occupation :

Son of Late Tojum Kamduk

presently posted at PHQ Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh

14:Tapun Messar

Age: 0

Occupation :

Son of Shri Tanyok Messar

presently posted at PHQ Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh.

15:Torun Mai

Age: 0

Occupation :

Son of Late Mai Tara

presently posted at PS Nirjuli

PO and PS Naharlagun

Papum Pare District

Arunachal Pradesh.

16:Techi Nega

Age: 0

Occupation :

Son of Techu Rukh

presently posted at ACB

Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh

Advocate for the Petitioner : Tony Pertin, T Mize,H K Jamoh

Advocate for the Respondent : GA (AP), Dicky Panging, Sr. Adv,Doge Lona,Marge Doji,Daina Tamuk

:::BEFORE:::

HON'BLE MR. JUSTICE KARDAK ETE
HON'BLE MR. JUSTICE BUDI HABUNG

Date on which judgment is reserved : 25.06.2026

Date of pronouncement of judgment : 21.07.2026

Whether the pronouncement is of
the operative of the judgment? : No

Whether the full judgment has been
pronounced? : Yes

JUDGMENT & ORDER (CAV)

(Kardak Ete, J)

Heard Mr. T. Pertin, learned counsel for the petitioners. Also heard Mr. N. Ratan, learned Additional Advocate General for State respondent Nos. 1 to 4, and Mr. D. Panging, learned Senior Counsel assisted by Ms. D. Tamuk, learned counsel for respondent Nos. 5 to 16.

2. By filing this writ petition, the petitioners have put to challenge the

constitutionality/vires of the Arunachal Pradesh Police Service (Amendment) Rules, 2025, particularly, Rule 5(1)(b), whereby it provides that the promotion to the Arunachal Pradesh Police Service (Entry Grade) shall be filled up from amongst the eligible Inspector of Police (APP Civil), (IRBn) and (AAPBn) in the ratio of 79.39% (Civil Police), 15.35% (IRBn) and 5.26% (AAPBn), based on the existing sanctioned strength of the posts of Inspector in the respective cadres/units.

3. The case of the petitioners, in brief, is that they are working as Inspectors of Police in the IRBn, whose promotions were effected on 25.07.2012 and 31.01.2017, and are eligible to be considered for promotion to the post of Arunachal Pradesh Police Service (Entry Grade). The posts in the Arunachal Pradesh Police Service (Entry Grade) are filled up in the ratio of 50:50 by direct recruitment and by promotion from the cadre of Inspectors and are governed by the Arunachal Pradesh Police Service Rules, 1989, which has been amended from time to time, the latest being the impugned Arunachal Pradesh Police Service (Amendment) Rules, 2025 (hereinafter referred to as the "Amendment Rules, 2025"), notified on 07.04.2025. The total sanctioned strength of the Arunachal Pradesh Police Service (Entry Grade) is 105 posts under the Civil Police, IRBn and AAPBn. According to the petitioners, out of the total sanctioned strength of 105 posts in the Arunachal Pradesh Police Service (Entry Grade), 60 posts are sanctioned for the Civil Police, accounting for 56.66%, 33 posts for the IRBn, accounting for 31.43%, and 12 posts for the AAPBn, accounting for 11.43%. Out of the sanctioned strength of 33 posts earmarked for the IRBn, 50%, i.e. 17 posts, are required to be filled up by promotion from amongst the eligible Inspectors of IRBn, while the remaining 50%, i.e. 16 posts, are to be

filled up through direct recruitment.

4. It is the contention of the petitioners that by virtue of the Amendment Rules, 2025, a percentage-based distribution of the 50% promotional quota amongst the three feeder cadres, namely, Civil Police, IRBn and AAPBn, has been introduced. However, such distribution is not based on the sanctioned promotional posts allocated to each wing under the Rules, rather on the existing numerical strength of Inspectors in the respective cadres. The sanctioned strength of the Arunachal Pradesh Police Service (Entry Grade) earmarked for the IRBn is 33 posts, which constitutes 32% of the total cadre strength, out of which 17 posts are required to be filled up by promotion in terms of the prescribed 50:50 ratio between direct recruitment and promotion. However, by virtue of the impugned amendment, only 15.35% of the promotional quota has been allocated to the IRBn, thereby reducing the promotional posts available to the IRBn from 17 to 9. According to the petitioners, such computation has been made solely on the basis of the existing numerical strength of Inspectors in the IRBn by completely disregarding the cadre-wise promotional quota already envisaged under the Rules. As a result, this methodology has resulted in an arbitrary reduction of the promotional share of the IRBn, thereby causing serious prejudice to the eligible Inspectors of the IRBn. Such computation of the promotional quota on the basis of the existing strength of the feeder cadre, instead of the sanctioned cadre-wise promotional posts, defeats the very scheme of cadre-based promotional reservation and undermines the structural design of cadre-wise promotional opportunities envisaged under the Rules.

5. Mr. T. Pertin, learned counsel for the petitioners, submits that Rule 5(1)(b) of the Arunachal Pradesh Police Service (Amendment) Rules, 2025, regulating

the distribution of the promotional quota amongst the Civil Police, AAPBn and IRBn, is *ex facie* arbitrary, unreasonable and violative of Articles 14 and 16 of the Constitution of India. The impugned Rule unjustifiably dilutes the promotional avenues available to the Inspectors of the IRBn by introducing an artificial and unreasonable classification, which has no rational nexus with the object sought to be achieved, namely, ensuring a fair and equitable promotional avenue for each of the feeder cadres. He submits that the fixation of the promotional quota cannot be altered to the detriment of a particular cadre merely on the basis of the fluctuating numerical strength of the feeder cadre officers, especially when the number of sanctioned promotional posts remains unchanged.

6. He submits that the promotional quota ought to be determined with reference to the number of sanctioned promotional posts and not on the basis of the existing strength of the feeder cadres, which is neither static nor a rational criterion for determining promotional entitlement. The percentage-based allocation introduced by the impugned Rule results in an unequal and artificial restriction on the promotional opportunities of the IRBn officers vis-à-vis the other feeder cadres and is contrary to Schedule-I of the Arunachal Pradesh Police Service (Amendment) Rules, 2025. He submits that a promotion policy must rest on objective and rational criteria and should not defeat the legitimate expectations of similarly situated officers by disproportionately curtailing their promotional prospects despite the availability of sanctioned promotional posts.

7. Mr. Pertin, learned counsel, submits that the records produced by the respondents themselves reveal that the amendment process was initially undertaken only to rectify a drafting omission in the earlier Rules relating to

promotion from the respective feeder cadres and there was no proposal whatsoever regarding cadre imbalance, distribution of promotional quota, inter-cadre percentage allocation or determination of promotional entitlement on the basis of the strength of the feeder cadres. He submits that, under the guise of rectifying a drafting omission, Rule 5(1)(b) introduces an altogether new methodology for distribution of promotional opportunities based on the numerical strength of the Inspectors in the feeder cadres, which has no nexus with the defect sought to be rectified. He further submits that the proposal for such percentage-based allocation did not originate from the Home Department but was introduced for the first time by the Department of Administrative Reforms without any cadre review, empirical study, manpower assessment or recommendation of the parent department. He submits that even the Principal Secretary (Home), while considering the representation submitted by the petitioners, had recorded that the proposal appeared to be "undoable" when posts had been created for specific units and the respondents have failed to explain as to how a proposal initially considered unworkable subsequently formed the basis of the impugned amendment.

8. He submits that the amendment process is also vitiated on account of non-compliance with the Office Memorandum dated 21.06.2024 issued by the Department of Administrative Reforms & Training, Government of Arunachal Pradesh, which prescribes the procedure for framing or amendment of Service Rules. The said Office Memorandum mandates consultation with the Arunachal Pradesh Public Service Commission (APPSC) before finalisation of any amendment to the Service Rules. While the draft amendment culminating in the Arunachal Pradesh Police Service (2nd Amendment) Rules, 2023, had been forwarded to the APPSC for its views/comments, no such consultation was

undertaken before notifying the Arunachal Pradesh Police Service (Amendment) Rules, 2025. The records produced by the respondents also do not disclose any such consultation. Apart from the absence of consultation with the APPSC, the procedure contemplated under the Office Memorandum was not adhered to inasmuch as the proposal did not originate from the concerned administrative department but was based solely on the views of the Department of Administrative Reforms, thereby rendering the impugned amendment procedurally defective.

9. In support of his submissions, Mr. Pertin, learned counsel for the petitioners, has placed reliance on the judgment of the Hon'ble Supreme Court in **A. Satyanarayana & Ors. Vs. S. Purushotham & Ors.**, reported in **(2008) 5 SCC 416**.

10. On the other hand, Mr. N. Ratan, learned Additional Advocate General for the State respondent Nos. 1, 2 & 3, submits that the Arunachal Pradesh Police Service (Amendment) Rules, 2025 were notified after due deliberations involving all the stakeholders and on the basis of the recommendation made by the Department of Administrative Reforms. He submits that the amended Rules prescribe promotion to the Arunachal Pradesh Police Service (Entry Grade) on the basis of merit-cum-seniority and not on the basis of any common or combined seniority. Rule 5(1)(b) introduces a unified cadre structure by providing for distribution of the promotional quota in the ratio of 79.39% for Civil Police, 15.35% for IRBn and 5.26% for AAPBn, thereby ensuring fair, balanced and proportionate promotional opportunities amongst the three units while preserving the identity of each cadre. He submits that the Amendment Rules, 2025 provide a legally sound, administratively workable and cadre integrity-preserving framework for regulating promotions to the Arunachal

Pradesh Police Service (Entry Grade).

11. He submits that although the sanctioned strength of the Arunachal Pradesh Police Service (Entry Grade) is 105 posts, as reflected in Schedule-I to the Amendment Rules, 2025, the petitioners are under a misconception in contending that 17 promotional posts are earmarked exclusively for the IRBn. The posts of Assistant Commandant/APPS (Entry Grade) are filled up by promotion from amongst the eligible Inspectors of Civil Police, IRBn and AAPBn in accordance with the applicable Rules and the promoted officers are transferable amongst all the three units. Therefore, there is no unit-wise earmarked promotional vacancy under the existing Rules.

12. He submits that Rule 5(1)(b) was introduced to remove the legal and structural deficiencies noticed in the earlier Rules by restoring the omitted provisions, removing the restriction relating to the respective feeder cadres and providing for a sanctioned-strength-based distribution of the promotional quota. The rationale behind the distribution of the promotional quota, as reflected in the recommendations of the Department of Administrative Reforms, is to ensure equitable promotional opportunities amongst the three feeder cadres, having regard to the considerable variations in their respective promotional prospects from the rank of Sub-Inspector to Inspector. The amended Rules also provide for periodic review of the promotional quota after every three years with effect from 01.01.2028.

13. Learned Addl. Advocate General submits that mere existence of sanctioned posts does not confer any vested or enforceable right to promotion, as promotions are governed strictly by the statutory Recruitment Rules. Rule 5(1) (b) is founded on intelligible and objective criteria, duly recommended by the Department of Administrative Reforms and approved by the competent authority

and has a rational nexus with the object of balanced cadre management and administrative efficiency.

14. In support of his submissions, Mr. N. Ratan, learned Additional Advocate General, has placed reliance on the following judgments:

- (i) A.P. Cooperative Oil Seeds Growers Federation Limited, Hyderabad, Andhra Pradesh Vs. D. Achyuta Rao & Ors.,** reported in **(2007) 13 SCC 320.**
- (ii) Union of India Vs. Pushpa Rani & Ors.,** reported in **(2008) 9 SCC 242.**

15. Mr. D. Panging, learned Senior Counsel appearing for the respondent Nos. 5 to 16, while endorsing the submissions advanced by the learned Additional Advocate General, submits that the amendment to the Arunachal Pradesh Police Service Rules, 1989 was necessitated to remove the anomalies that had arisen under the earlier Rules relating to promotion to the Arunachal Pradesh Police Service (Entry Grade). Although the Civil Police, IRBn and AAPBn constitute separate cadres up to the rank of Inspector, the Arunachal Pradesh Police Service (Entry Grade) has always been conceived as a common cadre, whose members are transferable amongst all the three wings of the Police Department. Therefore, there is no cadre-wise earmarking of promotional posts in the Arunachal Pradesh Police Service (Entry Grade), as sought to be contended by the petitioners.

16. He submits that prior to the amendment, promotions to the Arunachal Pradesh Police Service (Entry Grade) on the basis of seniority amongst the Inspectors of the three wings resulted in serious imbalance inasmuch as the Inspectors of the IRBn and AAPBn, having comparatively better promotional

prospects from the rank of Sub-Inspector to Inspector, were promoted to the Arunachal Pradesh Police Service (Entry Grade) much earlier than their counterparts in the Civil Police, despite the latter having entered service much earlier. Such a situation resulted in juniors in service holding higher posts than their seniors in the Civil Police, thereby causing stagnation and dissatisfaction amongst the Civil Police officers. He submits that Rule 5(1)(b) has been introduced to remedy the said anomaly by providing a proportionate distribution of the promotional quota based on the sanctioned strength of Inspectors in the three wings, thereby ensuring a level playing field for all the feeder cadres.

17. Learned Senior Counsel submits that the disparity in promotional prospects is evident from the cadre strength and promotional avenues available in the three wings. The sanctioned cadre strength of Sub-Inspectors in the Civil Police is 400 posts, out of which 200 posts are earmarked for promotion to the rank of Inspector, whereas the corresponding cadre strength in the IRBn is 115 posts with 58 promotional posts, and in the AAPBn, 36 posts with 18 promotional posts. On the other hand, the sanctioned strength of the cadre of Inspectors comprises 181 posts in the Civil Police, 35 posts in the IRBn and 12 posts in the AAPBn. Owing to the substantially larger strength of Sub-Inspectors in the Civil Police, promotions to the rank of Inspector are comparatively slower, resulting in stagnation amongst Civil Police officers, whereas officers in the Armed Police wings secure promotion to the rank of Inspector much earlier.

18. By way of illustration, he contends that respondent No. 5, Shri Deepak Langkam, though appointed as Sub-Inspector on 17.02.1989, was promoted to the rank of Inspector only on 14.08.2013, whereas petitioner Nos. 1 and 2, who were appointed as Sub-Inspectors on 12.01.2006, were promoted as Inspectors on 25.07.2012. Likewise, petitioner No. 3, appointed on 17.03.2006, and

petitioner Nos. 4 and 5, appointed on 27.09.2010, were promoted to the rank of Inspector on 30.01.2017. He submits that, as a consequence, officers belonging to the Armed Police wings, despite entering service much later as Sub-Inspectors, become eligible for promotion to the Arunachal Pradesh Police Service (Entry Grade) much earlier than their counterparts in the Civil Police. Since the Arunachal Pradesh Police Service (Entry Grade) constitutes a common transferable cadre, such a situation results in juniors occupying higher posts than their seniors in the Civil Police. He, therefore, submits that the impugned amendment seeks to rectify the said anomaly and bring about a fair and balanced promotional framework amongst the three feeder cadres.

19. Mr. D. Panging, learned Senior Counsel for the private respondent Nos. 5 to 16, in support of his submissions, has placed reliance on the following judgments:

- (i) P.U. Joshi & Ors. Vs. Accountant General, Ahmedabad & Ors.,** reported in **(2003) 2 SCC 632.**
- (ii) Gulf Goans Hotels Company Limited &Anr. Vs. Union of India & Ors.,** reported in **(2014) 10 SCC 673.**

20. Due consideration has been extended to the submissions advanced by the learned counsel for the parties and also perused the materials available on record.

21. The petitioners, who are the Inspectors of Police in the IRBn, are aggrieved by the amended rule 5(1)(b) of the Arunachal Pradesh Police Service (Amendment) Rules, 2025. Primarily, the grievance of the petitioners is that while the sanctioned strength of the posts in the Arunachal Pradesh Police

Service (Entry Grade) remains unchanged, the impugned Rule allocates the promotional quota amongst the three feeder cadres, namely, Civil Police, IRBn and AAPBn, on the basis of the existing sanctioned strength of Inspectors in the respective cadres instead of the sanctioned promotional posts available to each cadre. According to the petitioners, such methodology has resulted in substantial reduction of the promotional opportunities available to the Inspectors of IRBn and is arbitrary and violative of Articles 14 and 16 of the Constitution. The respondents, conversely, have justified the amendment by contending that the Arunachal Pradesh Police Service (Entry Grade) constitutes a common cadre and that Rule 5(1)(b) has been introduced to remove the anomaly prevailing under the earlier Rules and to ensure equitable promotional opportunities amongst the three feeder cadres.

22. It is settled position of law that the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. No Government employee has a vested right to claim that rules governing conditions of service or promotional avenues existing at the time of his entry into service should be forever the same and the employee has no right to challenge the authority of the State to frame, amend, alter and bring it to force any rule relating to and amend even existing service rule. An enactment or rules and its amendment unless shown to be arbitrary, unreasonable or irrational cannot be struck down and there is always a presumption in favour of constitutionality of the

enactment/Rule and the burden of proof is upon the person who attacks it.

23. In the backdrop of the aforesaid rival contentions of parties and position of law, the issue that engaged our attention is whether Rule 5(1)(b) of the Arunachal Pradesh Police Service (Amendment) Rules, 2025 suffers from any arbitrariness or unconstitutionality requiring interference by this Court.

24. In order to appreciate, it would be apposite to refer and consider the Arunachal Pradesh Police Service Rules, 1989, and its amended rules including the impugned Amended Rules 2025. The Arunachal Pradesh Police Service Rules, 1989 has been amended from time to time.

25. Rule 5 of the Arunachal Pradesh Police Service Rules, 1989, originally reads as under:

"5. Method of recruitment:- (1) Same as provided in rule 14, appointment to the service shall be made by the following methods, namely:-

- (a) 50% of the substantive vacancies which occur from time to time in the authorized permanent strength of the service shall be filled by direct recruitment in the manner specified in the Part-IV of these rules; and*
- (b) The remaining such substantive vacancies shall be filled by merit-cum-seniority basis with due regard to seniority in the manner specified in Part-V of these rules from amongst officers who are substantively borne on the cadre of Inspector of Police employed in the State of Arunachal Pradesh;*
- (c) Post of SPs/Commandant/Deputy Commandant (Non-IPS) will be filled up by selection from the cadre of Deputy Superintendent of Police (State Government) in the manner specified in Part-IX of these rules.*

(2) Officers who may be considered for appointment to the service at its initial condition though not actually appointed there to under Rule 15 and who at the commencement of these rules, held substantively and continue to held:-

(a) Any of the posts specified in the Schedule at the commencement of these rules, or

(b) any of the posts under the Government of Arunachal Pradesh carrying the same designation as any of the post specified in Schedule:

Provided that nothing in this rule shall preclude the Governor from holding a vacancy in abeyance of filling it on an officiating basis in accordance with the provisions in Part-VIII of these rules."

26. By the Arunachal Pradesh Police Service (2nd Amendment) Rules, 2023, rule 5(1), was amended which reads as under:

"4. Amendment of Rule 5(1) in Clause(c) of sub-rule (1) of Rule 5, for the existing entries, the following shall be substituted.

- (i) Arunachal Pradesh Police Service (Special Grade)/ post of Commandant (AAPBn)/Commandant (IRBN) etc. shall be filled by promotion from the feeder cadre/post grade as a specified under clause (a) and (b) (ii) of sub-rule (1) of Rule 12 and Rule 26.*
- (ii) Arunachal Pradesh Police service (Junior Administrative Grade)/post of Superintendent of Police District Security/Vice-Principal (PTC)/Deputy Commandant (AAPBn)/Deputy Commandant (IRBN) etc. shall be filled by promotion from amongst the eligible officers to the respective feeder grade/cadre/post as specified under clause (a) and (b)(ii) & (iii) of sub-rule (1) of Rule 12 and Rule 26.*
- (iii) Arunachal Pradesh Police Service (Grade-I0 post of Additional Superintendent of Police/Addl. District Commissioner to the Governor shall be filled by promotion from the feeder grade/cadre/post of Sub-Divisional police Officer/Deputy Superintendent of Police as specified under clause (a) and (b) (ii) of sub-rule (1) of Rule 12 and Rule 26.*
- (iv) Arunachal Pradesh Police Service (Entry Grade)/post of Sub-Divisional Police Officer/Deputy Superintendent of Police/Assistant Commandant (AAPBn) Assistant Commandant (IRBn) shall be filled by promotion from amongst the eligible officers belonging to the respective feeder grade/cadre/post of Inspector of Police (Civil)/(AAPBn)/(IRBN) as specified under Clause (b) of sub-rule (1) of Rule 5, clause (a) and (b)(i) of sub-rule (1) of Rule 12 and Rule 26."*

27. Subsequently, the Arunachal Pradesh Police Service Rules have been again amended by the Arunachal Pradesh Police Service (Amendment) Rules, 2025.

Impugned rule 5(1)(b), as introduced by the said Amendment Rules, is reproduced hereinbelow:

"6. Amendment of Rule 5

6.1. Amendment of Rule 5(1)(b):-

In clause (b) of sub-rule (1) of Rule 5 of the APPS Amendment Rules, 2023, for the existing entries, the following entries shall be substituted, namely:-

The remaining substantive vacancies shall be filled by promotion on the basis of merit-cum-seniority from amongst the officers who are substantively borne on the cadre of Inspectors of Police (APP Civil), Inspectors of Police (AAPBn) and Inspectors of Police (IRBn) employed in the State of Arunachal Pradesh in the manner specified in Part V of the Rules. The posts of Dy. SP/SDPO/Asstt. Commandant IRBn/ AAPBn falling under promotional quota of APPS (EG) shall be filled from amongst the eligible Inspector of Police (APP Civil), Inspector of Police (AAPBn) and Inspector of Police (IRBn) in accordance with the following ratio based on present sanctioned strength of post of Inspectors in each unit:-

i. 79.39% (Civil Police)

ii. 15.35% (IRBn)

iii. 05.26% (AAPBn)

The above ratio is based upon the present total strength of the three feeders as 228 posts of Inspectors comprising 181 posts in Civil Police, 35 posts in IRBn and 12 posts in AAPBn. However, the ratio shall be reviewed after every 3(three) years based upon the sanctioned strength on 1st January of that year and first such review shall be on 01.01.2028 and so on.

28. Reading of the above rules shows that 50% of the post of Arunachal

Pradesh Police Service (Entry Grade) shall be filled up on basis of merit-cum-seniority with due regard to seniority from amongst officers who are substantively borne on the cadre of Inspector of Police. Thereafter, by amendment, it was provided that the Arunachal Pradesh Police Service (Entry Grade), post of Sub-Divisional Police Officer/Deputy Superintendent of Police/Assistant Commandant (AAPBn) Assistant Commandant (IRBn) shall be filled by promotion from amongst the eligible officers belonging to the respective cadres of Inspector of Police. By the impugned rule 5, the APPS (EG) are to be filled up by promotion on the basis of merit-cum-seniority from amongst the officers who are substantively borne on the cadre of Inspectors of Police (APP Civil), (AAPBn) and (IRBn) and the posts of Dy.SP/SDPO/Asstt. Commandant IRBn/AAPBn falling under promotional quota of APPS (EG) shall be filled from amongst the eligible Inspector of Police (APP Civil), Inspector of Police (AAPBn) and Inspector of Police (IRBn) based on present sanctioned strength of post of Inspectors in each unit in the ratio of 79.39% (Civil Police), 15.35% (IRBn) and 05.26% (AAPBn). The above ratio is based upon the present total sanctioned strength of 228 posts of Inspectors, comprising 181 posts in Civil Police, 35 posts in IRBn and 12 posts in AAPBn. It shows that said ratio shall be reviewed after every 3(three) years based upon the sanctioned strength of the feeder cadres as on 1st January of that year.

29. Upon careful consideration, it transpires that the impugned Arunachal Pradesh Police Service (Amendment) Rules, 2025 was mooted on the basis of the views rendered by the Department of Administrative Reforms. The amended rule prescribes promotion to the Arunachal Pradesh Police Service (Entry Grade) on the basis of merit-cum-seniority from the Inspector of Civil Police, IRBn and AAPBn. Rule 5(1)(b) introduces a unified cadre structure by providing for

distribution of the promotional quota in the ratio of 79.39% for Civil Police, 15.35% for IRBn and 5.26% for AAPBn, based on the sanctioned strength of the posts of Inspectors in the respective cadres. Thus, while the Civil Police, IRBn and AAPBn continue to remain separate feeder cadres up to the rank of Inspector, the amendment prescribes an objective criterion for distribution of the promotional quota to the common cadre of the Arunachal Pradesh Police Service (Entry Grade).

30. As per Schedule-I to the Amendment Rules, 2025, the sanctioned strength of the Arunachal Pradesh Police Service (Entry Grade) is 105 posts, *inter alia*, showing 17 posts of Assistant Commandant for the IRBn. However, the posts of Arunachal Pradesh Police Service (Entry Grade) are filled up by promotion from amongst the eligible Inspectors of Civil Police, IRBn and AAPBn and the promoted officers are transferable amongst all the three units. It transpires that impugned Rule 5(1)(b) was introduced to remove the anomaly noticed under the earlier Rules removing the restriction relating to the respective feeder cadres and providing for a sanctioned-strength-based distribution of the promotional quota and to ensure equitable promotional opportunities amongst the three feeder cadres. Thus, it cannot be construed that promotional vacancies are earmarked for each unit in view of the fact that the Arunachal Pradesh Police Service (EG) is a common cadre.

31. The amendment to the Arunachal Pradesh Police Service Rules, 1989 appears to have been necessitated to remove the anomalies that had arisen under the earlier Rules relating to promotion to the Arunachal Pradesh Police Service (Entry Grade). While the Civil Police, IRBn and AAPBn constitute separate cadres up to the rank of Inspector, the Arunachal Pradesh Police Service (Entry Grade) has always remained a common cadre, whose members

are transferable amongst all the three wings of the Police Department. In other words, once an Inspector belonging to any of the three feeder cadres is promoted to the Arunachal Pradesh Police Service (Entry Grade), he ceases to serve exclusively within his original feeder cadre and becomes a member of the common Arunachal Pradesh Police Service (Entry Grade), whose members are liable to be posted and transferred amongst the Civil Police, IRBn and AAPBn in accordance with administrative requirements. Thus, it would not be correct to construe that there is a cadre-wise earmarking of promotional posts in the Arunachal Pradesh Police Service (Entry Grade) and as such the contention of the learned counsel for the petitioners falls flat as Rule 5(1)(b) is seen to have been made providing a proportionate distribution of the promotional quota based on the sanctioned strength of Inspectors in the Civil Police, IRBn and AAPBn, the post of APPS (EG) being common cadre.

32. Needless to observe that mere existence of sanctioned posts does not confer any vested or enforceable right to promotion, as promotion is governed by relevant Rules. Therefore, rule 5(1)(b) appears to be founded on intelligible and objective criteria and has a rational nexus with the object of promotion and balanced cadre management.

33. This Court, in the case of **Er. K. Wati & Ors. Vs. The State of Nagaland & Ors., WP(C) No. 261/2021**, while dealing with the constitutional validity of the Service Rules, had an occasion to consider the scope of judicial review in relation to subordinate legislation and amendment of service rules as considered and settled by the Hon'ble Supreme Court. Gainfully we refer Paragraphs 72, 73 and 75 of the said judgment which are reproduced hereinbelow:

"72. We are not oblivious of settled position of law that law/rules may be struck down on two counts i.e., lack of legislative competence and violation of fundamental rights or constitutional rights for which we would refer to the case of *State of A.P. and Ors Vs. Mcdowell& Co and Ors* reported in (1996) 3 SCC 709. The Hon'ble Supreme Court in the case of *Shayara Bano Vs. Union of India and Ors* reported in (2017) 9 SCC 1 has enlarged the scope (manifest arbitrariness) and observed which is reproduced herein below:

"101. It will be noticed that a Constitution Bench of this Court in *Indian Express Newspapers v. Union of India*, (1985) 1 SCC 641, stated that it was settled law that subordinate legislation can be challenged on any of the grounds available for challenge against plenary legislation. This being the case, there is no rational distinction between the two types of legislation when it comes to this ground of challenge under [Article 14](#). The test of manifest arbitrariness, therefore, as laid down in the aforesaid judgments would apply to invalidate legislation as well as subordinate legislation under [Article 14](#). Manifest arbitrariness, therefore, must be something done by the legislature capriciously, irrationally and/or without adequate determining principle. Also, when something is done which is excessive and disproportionate, such legislation would be manifestly arbitrary. We are, therefore, of the view that arbitrariness in the sense of manifest arbitrariness as pointed out by us above would apply to negate legislation as well under [Article 14](#)."

73. We would also refer to the case of *Nagaland Senior Government Employees Welfare Association and Ors Vs. State of Nagaland and Ors* reported in (2010) 7 SCC 643, wherein the Hon'ble Supreme Court has held that enactment or rules and its amendment unless shown to be arbitrary, unreasonable or irrational cannot be struck down and there is always a presumption in favour of constitutionality of the enactment/Rule and the burden of proof is upon the person who attacks it. In the present case, the petitioners have not been able to demonstrate that the impugned Schedules attached to the Service Rules, 1998 are violative of the fundamental rights or constitutional rights and/or there is legislative incompetence or manifest arbitrariness.

75. It is trite that the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same and it should provide

promotional avenues and the employee has no right to challenge the authority of the State to frame, amend, alter and bring it to force any rule relating to and amend even existing service rule."

34. Coming to the case of **A. Satyanarayana** (supra), the authority, relied on by the learned counsel for the petitioners, which this Court has carefully perused, we find that the issue before the Hon'ble Supreme Court in that case was whether, after fixing the quota under the statutory Rules, it was open to the Government to impose a ceiling restricting the number of persons who could be promoted from certain posts. While holding that such a cap was ultra vires, the Hon'ble Supreme Court observed that, while exercising the power of judicial review, the Superior Courts must examine the validity of subordinate legislation having regard to its effect and whether there exists a rational nexus between the impugned legislation and the object sought to be achieved. It has been further held that promotions are intended to avoid stagnation and frustration amongst employees; that though an employee has no fundamental right to promotion, he has a right to be considered for promotion in accordance with the applicable Rules; and that a statutory rule must be in consonance with the constitutional scheme and cannot be arbitrary or unreasonable. A policy that completely extinguishes the promotional avenues of a class of employees would offend Article 16 of the Constitution.

35. The aforesaid principles, however, do not advance the case of the petitioners as in the present case, Rule 5(1)(b) neither takes away nor extinguishes the promotional avenues of the Inspectors belonging to the IRBn. The petitioners continue to remain eligible for consideration for promotion to the Arunachal Pradesh Police Service (Entry Grade) in accordance with the statutory Rules. The impugned amendment merely restructures the distribution of the

promotional quota amongst the three feeder cadres on the basis of the sanctioned strength of Inspectors in each cadre. Such restructuring cannot be equated with denial of promotional opportunity altogether. On the contrary, the materials placed before this Court disclose that the amendment was introduced to remedy the imbalance that had arisen under the earlier Rules, whereby officers belonging to the Armed Police wings, despite entering service much later as Sub-Inspectors, were reaching the common cadre of the Arunachal Pradesh Police Service (Entry Grade) ahead of their counterparts in the Civil Police on account of comparatively faster promotion to the rank of Inspector. The methodology adopted under Rule 5(1)(b), therefore, bears a rational nexus with the object sought to be achieved and cannot be said to be arbitrary or unreasonable.

36. Equally apposite is the principle laid down by the Hon'ble Supreme Court in **A.P. Cooperative Oil Seeds Growers Federation Limited**(supra), wherein it has been held that even if a service rule causes hardship or inconvenience to a section of employees, the same cannot be struck down so long as the Rule is fair, just and reasonable and does not offend Articles 14 and 16 of the Constitution. The constitutionality of a service rule cannot be tested on the touchstone of the fortunes of an individual or a particular class of employees. In the present case, the grievance of the petitioners essentially proceeds on the footing that the promotional prospects of the Inspectors belonging to the IRBn have been comparatively reduced. Even assuming that the impugned amendment results in lesser promotional opportunities for one feeder cadre than what existed earlier, such consequence, by itself, cannot render the Rule unconstitutional, particularly when the Rule has been framed with the object of balancing promotional opportunities amongst all the feeder

cadres constituting the source of recruitment to a common cadre.

37. The decision of the Hon'ble Supreme Court in **Pushpa Rani** (supra) also lends support to the stand of the respondents. It has been categorically held therein that matters relating to creation and abolition of posts, structuring or restructuring of cadres, prescribing the source and mode of recruitment, laying down eligibility criteria and determining promotional avenues fall within the exclusive domain of the employer. Judicial review in such matters is confined only to examining whether the action is contrary to any constitutional or statutory provision, is patently arbitrary or is vitiated by mala fides. The Court cannot substitute its own views for that of the rule-making authority as to how the cadre should be structured or promotional avenues regulated. In the present case, the petitioners have not been able to demonstrate either any constitutional infirmity or manifest arbitrariness in Rule 5(1)(b). Their challenge is essentially directed against the wisdom of the policy adopted by the State in regulating promotions to the Arunachal Pradesh Police Service (Entry Grade), which is clearly beyond the permissible limits of judicial review.

38. Similar is the principle enunciated in **P.U. Joshi** (supra), wherein the Hon'ble Supreme Court held that questions relating to the constitution of cadres, restructuring of services, prescription of eligibility criteria and avenues of promotion are matters of policy within the exclusive competence of the State and no Government servant has a vested right to insist that the Rules governing his service should forever remain unchanged. The State is competent to amend the service rules and alter the conditions of service, including promotional avenues, in accordance with administrative exigencies, subject only to constitutional limitations.

39. Applying the aforesaid principle, we are unable to accept the contention of

the petitioners that the promotional quota ought necessarily to have continued in the same manner as under the earlier Rules. The amendment merely alters the criteria governing distribution of promotional vacancies and does not take away any accrued or vested right of the petitioners.

40. The petitioners have also laid considerable emphasis on the internal/file notings contained in the Government files as well as the Office Memorandum dated 21.06.2024 to contend that the proposal for the impugned amendment did not originate from the Home Department and consultation with the Arunachal Pradesh Public Service Commission had not been undertaken, which this Court finds unacceptable. The records reveal that various departments, including the Department of Administrative Reforms, examined the proposal and tendered their respective views and the competent authority ultimately approved and notified the Amendment Rules, 2025. Merely because certain officers expressed reservations or differing opinions during the decision-making process cannot invalidate the statutory Rules finally notified by the competent authority. It is well settled that departmental/file notings merely reflect the opinion of the concerned officers at different stages of processing and do not constitute the decision of the Government. In this regard, the decision of the Hon'ble Supreme Court in ***Gulf Goans Hotels Company Limited***(supra) assumes significance. The Hon'ble Supreme Court has categorically held that notings in Government files are merely expressions of opinion by the concerned officers and cannot, by themselves, be treated as decision of the Government. It is only the final order expressed and authenticated in accordance with law that constitutes the decision of the Government. Consequently, neither the observations made by any departmental authority during the process of consideration nor the alleged opinion recorded by the Principal Secretary

(Home) can furnish a valid ground for invalidating the statutory Rules ultimately framed and notified by the competent authority.

41. In a similar way, the Office Memorandum dated 21.06.2024 relied upon by the petitioners merely prescribes an administrative procedure to be followed while processing proposals for framing or amendment of service rules. The said Office Memorandum does not have the force of a statutory rule nor have the petitioners been able to point out any statutory provision making compliance thereof mandatory so as to render the Rules void in the event of any deviation. Executive instructions cannot override statutory rules nor can they curtail the rule-making power of the competent authority. Even assuming that there has been any procedural deviation in the

internal processing of the proposal, the same would not, by itself, invalidate the statutory Rules once duly approved and notified by the competent authority. The petitioners have also failed to demonstrate that any prejudice has been caused to them on account of the alleged procedural deviation.

42. In the light of the foregoing discussions, we are of the considered opinion that the petitioners have failed to establish that Rule 5(1)(b) of the Arunachal Pradesh Police Service (Amendment) Rules, 2025 is manifestly arbitrary, unreasonable or violative of Articles 14 and 16 of the Constitution. We find that the impugned Rule has been framed/amended with the object of rationalizing promotional opportunities amongst the three feeder cadres constituting the source of recruitment to the common cadre of the Arunachal Pradesh Police Service (Entry Grade). The classification adopted under the Rule is founded on an intelligible differentia, namely, the sanctioned strength of Inspectors in the respective feeder cadres, which bears a rational nexus with the object sought to be achieved, namely, balanced cadre management and equitable distribution of

promotional opportunities. Merely because the petitioners perceive that the earlier system was more beneficial to them would not be a ground for this Court to hold a decision embodied in a statutory rule ultra vires.

43. Consequently, we do not find any legal or constitutional infirmity in the impugned Rule 5(1)(b) of the Arunachal Pradesh Police Service (Amendment) Rules, 2025 and therefore, no interference is called for.

44. In the result, writ petition fails and is hereby dismissed. No order as to cost(s).

JUDGE

JUDGE

Comparing Assistant