IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 30th OF OCTOBER, 2026

WRIT APPEAL No. 863 of 2023

CNR No.: MPHC010346002023

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

SANTOSH DUBEY

Appearance:

Shri Piyush Jain G.A. for the appellants/State.

Shri Nand Kishore Tiwari, Advocate for respondent.

ORDER

Per. Justice Pradeep Mittal

The appellants/State have filed the present writ appeal against the order dated 16.08.2022 passed by the learned Single Judge in W.P. No.24814/2003, whereby the respondent's claim for out-of-turn promotion under Rule 56(3) of the Madhya Pradesh Vishesh Sashastra Bal Niyam, 1973 has been allowed.

2. The respondent's claim arose from an incident in which he rescued his neighbours, Ms. Nalini Bai and Mr. Francis Joseph, whose clothes had caught fire. Although he was awarded Rs.1,000/- for his act of bravery, the competent committee found him unsuitable for out-of-turn promotion. Upon reconsideration, the competent authority, vide order dated

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

14.12.2020, held that the incident did not fall within the ambit of Rule 56(3) of the Rules of 1973.

3. The appellants contend that Rule 56(3) is an enabling provision conferring discretionary power upon the competent authority and does not create any enforceable right to out-of-turn promotion. It is further submitted that the incident occurred after 8:30 p.m., when the respondent was off duty, and therefore, could not be treated as distinguished service in the discharge of his official duties. The appellants also contend that each case for out-of-turn promotion is required to be assessed on its own facts and cannot be compared with those of other employees. The learned Single Judge, therefore, exceeded the scope of judicial review by substituting his own assessment for that of the competent authority. It is also argued that the direction granting promotion retrospectively from 08.05.2000, the date of submission of the respondent's representation, is unsustainable in law. On these grounds, the appellants seek setting aside of the impugned order.

4. The respondent/writ petitioner contends that he has been pursuing his claim for out-of-turn promotion to the post of Head Constable under Rule 56(3) of the Rules of 1973 for more than 20 years. He submits that this Court, vide order dated 07.09.2020, had already observed that injustice had been caused to him and directed the State Government to reconsider his claim upon submission of a fresh representation. The matter was kept pending to ensure compliance of the said direction and to avoid compelling him to initiate fresh litigation. However, despite reconsideration, the State Government rejected his representation vide order dated 14.12.2020. He,

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

therefore, submits that the rejection is unjustified and seeks appropriate relief in respect of his claim for out-of-turn promotion.

5. The learned Single Judge held that the respondent's act of bravery in attempting to rescue two persons from a fire accident was undisputed and had also been recognised by the State by awarding him a cash reward of Rs.1,000/-. Taking note of the fact that several similarly situated police personnel had been granted out-of-turn promotion for acts considered less significant, the learned Single Judge found the denial of such promotion to the respondent unjustified. Accordingly, the writ petition was allowed, directing his promotion to the post of Head Constable with effect from 08.05.2000, without back wages for the past period, but with consequential pensionary benefits. Salary attached to the promotional post was directed to be paid from the date of the order.

Heard the learned counsel for the parties and perused the relevant record.

6. For ready reference, Chapter XII (Promotion and Examination) is reproduced hereinbelow:

"56(3) Promotion and Examination: Notwithstanding anything contained in the rules, the Deputy Inspector-General of Police may promote a constable to the rank of a Head Constable, and with the approval of the Inspector-General of Police a Head Constable to the post of Platoon Commander, who has distinguished himself in anti-dacoity operations, law and order situations, or shooting competitions, or in some other field of duty, [x x x] [Omitted by Notification 2 (A) 224-96-B-(IV)-II, dated 1-1-1997.] or who has been

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

awarded the Indian Police Medal, or the President's Police Medal and Fire Services Medal for Gallantry, or for distinguished service or for meritorious service, if he considers him suitable for promotion. The number of officers promoted under this rule shall not exceed 10 per cent of their strength. Similarly the Inspector General of Police may promote a Platoon Commander to the post of Company Commander or Company Second-in-Command on similar grounds if he finds him suitable for promotion to the rank."

7. The Supreme Court in the case of **State of M.P. and another Vs. Sanjay Shukla in SLP (C) No. 1040 of 2021 dated 27.03.2023** held that out-of-turn promotion under Regulation 70A of the Madhya Pradesh Police Regulations cannot be claimed as a matter of right. Although the claim for such promotion must be considered objectively in accordance with the parameters prescribed under the Regulation, once the competent committee, after due consideration of all relevant aspects, takes a conscious decision supported by cogent reasons, judicial interference is limited. The Court can interfere only where such decision is palpably arbitrary or perverse.

8. It was further held that no parity can be claimed in matters of out-of-turn promotion, as the facts and circumstances differ from officer to officer and incident to incident. Accordingly, the Hon'ble Supreme Court set aside the judgments of the learned Single Judge and the Division Bench directing grant of out-of-turn promotion, holding that the High Court had exceeded the permissible limits of judicial review. The appeal filed by the

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

State was allowed.

9. Having heard learned counsel for the parties and perused the record, we are of the considered opinion that the impugned order passed by the learned Single Judge cannot be sustained and deserves to be set aside.

10. The claim of the respondent for out-of-turn promotion is founded upon Rule 56(3) of the Madhya Pradesh Vishesh Sashastra Bal Niyam, 1973 (hereinafter referred to as "the Rules of 1973"). A plain reading of the said provision makes it clear that the power to grant out-of-turn promotion is vested in the Deputy Inspector-General of Police, who may promote a Constable to the rank of Head Constable, if such Constable has distinguished himself in anti-dacoity operations, law and order situations, shooting competitions or in some other field of duty, or has been awarded the specified police medals for gallantry, distinguished service or meritorious service, and is considered suitable for promotion. The provision further restricts the number of officers who may be promoted under this Rule to ten per cent of their strength.

11. The expression "may promote" employed in Rule 56(3) clearly indicates that the provision confers a discretionary power upon the competent authority and does not create an indefeasible or enforceable right in favour of every police personnel who performs an act of bravery or renders assistance to a person in distress. The grant of out-of-turn promotion is, therefore, not an automatic consequence of an act of courage or public service. The claim must satisfy the requirements of the Rule, and the competent authority must also be satisfied as to the suitability of the concerned police personnel for

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

such promotion.

12. In the present case, the incident relied upon by the respondent undoubtedly reflects an act of courage and humanity. On noticing that his neighbours, Ms. Nalini Bai and Mr. Francis Joseph, had caught fire, the respondent rushed to their rescue, extinguished the fire and arranged for their treatment. His conduct was appreciated by the Department, and he was accordingly awarded a cash reward of Rs.1,000/-. However, the fact that the respondent performed a commendable act of bravery and received a cash reward does not, by itself, establish his entitlement to out-of-turn promotion under Rule 56(3) of the Rules of 1973.

13. The crucial question is whether the incident falls within the categories contemplated by Rule 56(3). The Rule does not provide for out-of-turn promotion merely on account of any act of bravery performed by a police personnel in his personal capacity. The relevant expression is that the officer must have distinguished himself in anti-dacoity operations, law and order situations, shooting competitions or “in some other field of duty”. The words “some other field of duty” have to be read in the context of the preceding expressions and the object of the provision. They contemplate distinguished performance in a field connected with the duties and functions of the police force. The expression cannot be interpreted so broadly as to include every meritorious or humanitarian act performed by a police personnel, irrespective of its connection with his official duties.

14. In the present matter, the incident admittedly occurred after 8:30 p.m., when the respondent was not on duty. It did not arise out of any anti-

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

dacoity operation, law and order situation or other official assignment entrusted to him. Nor does the record indicate that the respondent was awarded any of the medals specifically contemplated under Rule 56(3). The cash reward of Rs.1,000/- granted to him in recognition of his act of bravery cannot be equated with the medals specified in the Rule, nor can such reward, by itself, bring the incident within the ambit of the provision. Thus, notwithstanding the commendable nature of the respondent's conduct, the incident does not satisfy the statutory requirements for consideration of out-of-turn promotion under Rule 56(3).

15. It is also relevant that the respondent's claim was considered by the competent authority and, upon reconsideration pursuant to the direction issued by this Court on 07.09.2020, the authority passed a fresh order dated 14.12.2020 holding that the incident did not fall within the ambit of Rule 56(3). The mere fact that the respondent had been awarded a cash reward does not render the said decision arbitrary or perverse. Recognition of an act of bravery by way of a cash reward and eligibility for out-of-turn promotion are two distinct matters governed by different considerations. The former cannot, by itself, confer a right to the latter.

16. At this stage, it is apposite to refer to the decision of the Supreme Court in State of Madhya Pradesh and Another v. Sanjay Shukla, arising out of SLP (C) No.1040 of 2021, decided on 27.03.2023. While considering the claim for out-of-turn promotion under Regulation 70A of the Madhya Pradesh Police Regulations, the Hon'ble Supreme Court held that such promotion cannot be claimed as a matter of right. The competent authority is

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

required to assess the claim objectively with reference to the parameters prescribed under the relevant provision. Once the competent authority, upon consideration of the relevant facts and circumstances, takes a conscious decision supported by cogent reasons, the scope of judicial interference is limited. Interference by the Court would be justified only where the decision is palpably arbitrary or perverse. The Hon'ble Supreme Court further held that no parity can be claimed in matters of out-of-turn promotion, as the facts and circumstances relating to each officer and each incident may differ.

17. Although the aforesaid decision concerned Regulation 70A of the Madhya Pradesh Police Regulations, the principle laid down therein regarding the discretionary nature of out-of-turn promotion and the limited scope of judicial review is equally applicable while examining a claim under Rule 56(3) of the Rules of 1973. The competent authority is required to examine whether the particular act falls within the prescribed categories and whether the officer is suitable for such promotion. The Court cannot substitute its own assessment for that of the competent authority merely because it considers the officer's act deserving of greater appreciation.

18. The learned Single Judge, while allowing the writ petition, principally relied upon the respondent's act of bravery, the cash reward granted to him and the fact that certain other police personnel had allegedly been granted out-of-turn promotion for acts considered less significant. In our considered view, such an approach does not accord with the statutory scheme of Rule 56(3). The comparison with the cases of other police personnel could not, by itself, furnish a legal basis for directing the

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

respondent's promotion. Each claim for out-of-turn promotion has to be examined with reference to the nature of the act, the circumstances in which it was performed and the requirements of the governing provision. An order granting such promotion in another case, even if considered erroneous, cannot create a right in favour of the respondent to claim similar treatment contrary to the Rule.

19. We are conscious of the fact that the respondent's conduct in rescuing the two persons was commendable and deserves appreciation. However, judicial review is concerned with the legality of the decision taken by the competent authority and not with substituting the Court's own assessment of the degree of bravery displayed by an employee. Unless the decision of the authority is shown to be arbitrary, perverse or contrary to the governing Rule, the Court would not be justified in directing the grant of out-of-turn promotion. In the present case, the respondent's act, though deserving of recognition, does not fall within the categories contemplated under Rule 56(3), and the decision of the competent authority rejecting his claim cannot be said to suffer from any such infirmity.

20. Consequently, the direction issued by the learned Single Judge granting promotion to the respondent with effect from 08.05.2000, i.e., the date of submission of his representation, is also unsustainable. In the absence of any statutory entitlement to out-of-turn promotion, the respondent could not have been granted retrospective promotion merely on the basis of his representation or the passage of time during which he pursued his claim.

21. In view of the foregoing discussion, we hold that the learned

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56

Single Judge exceeded the permissible limits of judicial review by substituting his own assessment for that of the competent authority and directing the grant of out-of-turn promotion, despite the respondent's case not falling within the ambit of Rule 56(3) of the Rules of 1973. The impugned order dated 16.08.2022, therefore, deserves to be set aside.

22. Accordingly, the writ appeal is allowed. The order dated 16.08.2022 passed by the learned Single Judge in W.P. No.24814/2003 is set aside, and the order dated 14.12.2020 passed by the competent authority rejecting the respondent's claim for out-of-turn promotion is upheld. No order as to costs.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

MSP

Signature Not Verified
Signed by: MANVENDRA SINGH PARIHAR
Signing time: 03-11-2026 12:46:56