

ITEM NO.21

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

IA No. 144787/2022 and 144785/2022 in
Writ Petition(s)(Civil) No(s).310/1996

PRAKASH SINGH & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 144787/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 144785/2022 - INTERVENTION APPLICATION)

Date : 09-12-2022 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

Mr. Raju Ramachandran, Sr. Adv. (A.C.)
Ms. Archana Pathak Dave, Adv. (A.C.)

For Petitioner(s)

Mr. Prashant Bhushan, AOR
Ms. Archana Pathak Dave, AOR

For Respondent(s)/
For Applicant

Ms. Kaveeta Wadia, Adv.
Ms. Astha Sharma, AOR
Dr. Shiva Sharma, Adv.
Mr. Ravinder Singh, Adv.
Ms. Mantika Haryani, Adv.
Mr. Shreyas Awasthi, Adv.
Ms. Sruthi Venugopal, Adv.
Mr. Devvrat Singh, Adv.

For Nagaland

Mr. K.N. Balgopal, Sr. Adv., Adv.Gen.
Mrs. K. Enatoli Sema, Adv.
Ms. Limayinla Jamir, Adv.
Mr. Vitso Rio, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

UPSC

Mr. Naresh Kaushik, Adv.
Mr. Vardhman Kaushik, Adv.
Mr. Manoj Joshi, Adv.
Mr. B. Purushothama Reddy, Adv.

Mr. Dhruv Joshi, Adv.
Mr. Anand Singh, Adv.
Mrs. Lalita Kaushik, AOR

Mr. R. Venkataramani, AG
Mr. Vikramjit Banerjee, ASG
Mr. Sanjay Jain, ASG
Mr. R. Balasubramanian, Sr. Adv.
Ms. V. Mohna, Sr. Adv.
Mr. Wasim Qadri, Sr. Adv.
Ms. Snidha Mehra, Adv.
Mr. Ankur Talwar, Adv.
Mr. Chinmayee Chandra, Adv.
Ms. Mrinal Elker Mazumdar, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Indira Bhakar, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Mr. Mukesh K Verma, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Gurmeet Singh Makker, AOR

Mr. Mahfooz A. Nazki, Adv.
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. K.V. Girish Chowdary, Adv.
Mr. Naveen Sharma (Bhardwaj), Adv.
Ms. Niti Richhariya, Adv.

Mr. P.V. Dinesh, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Rajesh Srivastava, AOR

Ms. Kaveeta Wadia, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Gopal Prasad, AOR

Mr. Anuvrat Sharma, AOR

Ms. Hemantika Wahi, AOR

Mr. Kuldip Singh, AOR

Mr. T.V. George, AOR

Mr. Mohanprasad Meharua, AOR

Mr. P.V. Yogeswaran, AOR

Mr. Anil Shrivastav, AOR

Mr. Radha Shyam Jena, AOR
Mr. Karunesh Kumar Shukla, Adv.

Mr. Kamendra Mishra, AOR

Mr. R. Ayyam Perumal, AOR

Mr. B. Balaji, AOR

Dr. Joseph Aristotle S., AOR
Ms. Nupur Sharma, Adv.
Mr. Shobhit Dwivedi, Adv.
Mr. Sanjeev Kr. Mahara, Adv.
Ms. Vaidehi Rastogi, Adv.

M/s. S. Narain & Co., AOR

Mr. Prashant Bhagwati, Adv.
Ms. Deepanwita Priyanka, AOR

Mr. Gopal Singh, AOR

Mr. Ashok Mathur, AOR

Mr. P. Parmeswaran, AOR

Mr. T. Harish Kumar, AOR

Mr. Dharmendra Kumar Sinha, AOR

Mr. Gunnam Venkateswara Rao, AOR

Mr. C.K. Sasi, AOR
Mr. Abdulla Naseeh V.T., Adv.
Ms. Meena K. Poullose, Adv.

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.
M/s. Venkat Palwai Law Associates, AOR

Mr. V.N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.
Mr. Md. Apzal Ansari, Adv.
Mr. Prakash Jadhav, Adv.
Mr. Ravichandra Jadhav, Adv.
Mr. Dhanesh Ieshdhan, Adv.
Mr. Varun Varma, Adv.
Mr. Premnath Mishra, Adv.

Mr. Abbula Kalam, Adv.

Ms. Sumita Hazarika, AOR

Mr. Shuvodeep Roy, AOR

Mr. Kumar Arnav Singh Deo, Adv.

Mr. Sai Shashank, Adv.

Ms. Abha R. Sharma, AOR

Mr. Merusagar Samantaray, AOR

Mr. Abhinav Mukerji, AOR

Ms. Pratishtha Vij, Adv.

Mrs. Bihu Sharma, Adv.

Mr. Akshay C. Shrivastava, Adv.

Mr. M. Shoeb Alam, AOR

Ms. Taruna Ardhendumauli Prasad, AOR

Mr. G. Prakash, AOR

Dr. Manish Singhvi, Sr. Adv.

Mr. Arpit Parkash, Adv.

Mr. Vikalp Sharma, Adv.

Mr. Milind Kumar, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Sharma, Adv.

Ms. Anupam Ngangom, Adv.M

Mr. Wahengbam Immanuel Meittei, Adv.

Ms. Uttara Babbar, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Abhishek, AOR

Ms. Ruchira Goel, AOR

M/s. PLR Chambers & Co.

Mr. Siddharth Sangal, AOR

Ms. Nilanjani Tandon, Adv.

Mr. Chirag Sharma, Adv.

Mr. Soumya Dutta, AOR

Mr. Rakesh K. Sharma, AOR

Mr. Amrish Kumar, AOR

Ms. Kamakshi S. Mehlwal, AOR

Ms. Jaikriti S. Jadeja, AOR

Mr. Upendra Mishra, Adv.

Mr. Avijit Mani Tripathi, AOR

Mr. vinod Ghai, Sr. Adv., Adv. Gen

Mr. Aman Pal, AAG

Mr. Ajay Pal, AOR

Mr. Mayank Dhaiya, Adv.

Mr. Kuldeep Singh Kuchaliya, Adv.

Ms. Priyanka C., Adv.

Mr. Nishe Rajen Shonker, Adv.

Ms. Anu K Joy, Adv.

Mr. Alim Anvar, Adv.

Mr. Siddhesh Kotwal, Adv

Ms. Ana Upadhyay, Adv

Ms. Manya Hasija, Adv

Mr. Akash Singh, Adv

Mr. Nihar Dharmadhikari, Adv

Ms. Sampriti Baksi, Adv

Mr. Siddharth Dharmadhikari, Adv.

Mr. Aaditya A. Pande, AOR

Mr. Bharat Bagla, Adv.

Ms. Kirti Dadheech, Adv

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 IA No 188126 of 2022 has been filed by the Union Public Service Commission¹.
 - 2 Following the order of this Court dated 17 October 2022, the State of Nagaland furnished the names of two eligible officers [(i) A Sunil Acharya; and (ii) Rupin Sharma].
 - 3 It appears that the Union Ministry of Home Affairs has indicated that A Sunil Acharya, who is on Central deputation, does not wish to be considered for
- 1 “UPSC”

posting as DGP Nagaland. This has been confirmed by the officer on 16 November 2022. The State Government has furnished the ACRs of Rupin Sharma on 17 November 2022 and 18 November 2022.

- 4 The UPSC has sought sixty days' time for convening the Empanelment Committee Meeting for preparation of a panel of officers for appointment to the post of DGP Nagaland on the ground that consultation with the Ministry of Home Affairs is still in progress. The application filed by the UPSC states that this will not cause any administrative dislocation since the extended tenure of the existing incumbent will be over on 28 February 2023.
- 5 The previous order of this Court has specifically referred to the manner in which the proceedings of the Police Establishment Board² were conducted on 4 February 2022. To reiterate, the meeting of the PEB included Shri T John Longkumer as a member though his name was being considered for empanelment and was in fact empaneled. This Court was constrained to observe that "the officer participated in the meeting which directly pertained to his empanelment as DGP and for the conferment of the Apex Scale".
- 6 In view of the above observations of this Court in its order dated 17 October 2022, the UPSC must enforce the orders of this Court.
- 7 We, therefore, decline to grant a period of sixty days and direct that the final decision shall be taken on or before 19 December 2022. All necessary formalities which have to be completed shall be sorted out between the UPSC, the Union Ministry of Home Affairs and the State of Nagaland within the aforesaid period.

2 "PEB"

- 8 The authorities are placed on notice that the order of the Court be complied with to obviate recourse to the coercive arm of the law to ensure compliance of the judgment of this Court in **Prakash Singh v Union of India**³.
- 9 IA No 188126 of 2022 is disposed of.
- 10 List IA Nos 144787 and 144785 of 2022 on 9 January 2023.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR