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Hon'ble Mr. Justice Uday Umesh Lalit pronounced the reportable judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice S. Ravindra Bhat and Hon'ble Mr. Justice Hrishikesh Roy. The operative portion of the judgment is as under:

"37. Having come to the conclusion that the Appellant No.1 and similarly situated candidates had secured more marks than the last candidates selected in 'Open/General Category', the logical consequence must be to annul said selection and direct the authorities to do the exercise *de novo* in the light of conclusions arrived at by us. However, considering the facts that those selected candidates have actually undergone training and are presently in employment and that there are adequate number of vacancies available, we mould the relief and direct as under:-

- a) All candidates coming from 'OBC Female Category' who had secured more marks than 274.8928, i.e. the marks secured by the last candidate appointed in 'General Category-Female' must be offered employment as Constables in Uttar Pradesh Police.
- b) Appropriate letters in that behalf shall be sent to the concerned candidates within four weeks.
- c) If the concerned candidates exercise their option and accept the offer of employment, communications in that behalf shall be sent by the concerned candidates within two weeks.
- d) On receipt of such acceptance, the codal and other formalities shall be completed within three weeks.
- e) Letters of appointment shall thereafter be issued within a week and the concerned candidates shall be given appropriate postings.
- f) For all purposes, including seniority, pay fixation and other issues, the employment of such candidates shall be reckoned from the date the appointment orders are issued.
- g) The employment of General Category Females with cut off at 274.8928 as indicated by the State Government in its affidavits referred to in paragraphs 5 and 8 hereinabove are not to be affected in any manner merely because of this judgment.

38. Since it has been accepted that none of the candidates coming from 'SC Female Category' had secured more marks than 274.8298, the claims of the Applicant no.2 and all similarly situated candidates are rejected.

39. Miscellaneous Application No. 2641 of 2019 and IA No.25611 of 2019 are allowed to the aforesaid extent.

**Writ Petition (Civil)No. 237 of 2020**

40. This Writ Petition under Article 32 has been filed by 14 female candidates pertaining to the same selection praying for following principal relief:-

“A. Issue an appropriate writ, order or direction in the nature of mandamus directing the Respondents to absorb/select the petitioners as against the 375 unfilled vacancies.”

41. None of these petitioners had secured marks more than 274.8298 and as such, their case cannot be considered at par with that of Applicant no.1 – Ms. Sonam Tomar and other similarly situated candidates as discussed hereinabove.

42. If there are unfilled vacancies, it is upto the authorities to act purely in terms of the concerned statutory provisions. Neither any case for issuance of *mandamus*, as prayed for, has been made out nor do we think it appropriate to pass any orders directing the concerned authorities to absorb the petitioners against unfilled vacancies.

43. This Writ Petition is, therefore, without any merit and is dismissed.”

**Hon'ble Mr. Justice S. Ravindra Bhat pronounced the concurring reportable judgment.**

**The operative portion of the judgement is as under:**

“ I would conclude by saying that reservations, both vertical and horizontal, are method of ensuring representation in public services. These are not to

be seen as rigid “slots”, where a candidate’s merit, which otherwise entitles her to be shown in the open general category, is foreclosed, as the consequence would be, if the state’s argument is accepted. Doing so, would result in a communal reservation, where each social category is confined within the extent of their reservation, thus negating merit. The open category is open to all, and the only condition for a candidate to be shown in it is merit, regardless of whether reservation benefit of either type is available to her or him.

I agree that all applications and WP 237/2020, pending before this court, are to be disposed of in terms of the operative directions in Lalit, J’s judgment.”

**Pending applications, if any, shall stand disposed of.**

**(INDU MARWAH)  
COURT MASTER**

**(PRADEEP KUMAR)  
BRANCH OFFICER**

**(Signed reportable judgments are placed on the file)**