

A PRACTITIONER'S GUIDE TO SERVICE LAW

THE ROTA-QUOTA RULE *explained in simple language*

Inter se seniority between direct recruits and promotees — the quota, the roster, the Office Memoranda, worked illustrations, a master timeline and a step-by-step guide to arguing the point as the law stands today.

THE ROSTER — NOT THE DATE OF JOINING — DECIDES THE ORDER



THE FIVE LEADING JUDGMENTS

- N.R. PARMAR (2012)
- N.R. PARMAR REVIEW (2013)
- K. MEGHACHANDRA SINGH (2019)
- HARIHARAN (2022)
- K.K. SONI (DELHI HC DB, 2025)

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THE ROTA-QUOTA RULE EXPLAINED IN SIMPLE LANGUAGE

A plain-English guide to inter se seniority between direct recruits and promotees, with worked illustrations, a timeline, and the five leading judgments — N.R. Parmar (2012), N.R. Parmar Review (2013), K. Meghachandra Singh (2019), Hariharan (2022) and K.K. Soni (Delhi HC DB, 2025).

1. The problem in one sentence

Most government cadres are filled from **two doors** — some posts by **promotion** from the lower cadre, and some posts by **direct recruitment** through an open examination.

Once both sets of officers are inside the same cadre, one question must be answered: **who is senior to whom?**

That single question has produced fifty years of litigation, because promotion is quick and direct recruitment is slow.

2. Two simple words

Quota — *how many*

Quota is the **share** of posts reserved for each door.

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Example: Recruitment Rules say Inspector posts are filled **2 by promotion : 1 by direct recruitment**. So out of every 3 posts, 2 go to promotees and 1 to a direct recruit.

Quota answers: *how many posts belong to each side?*

Rota — in what order

Rota is the **turn or rotation** — the order in which the two sides are slotted into the combined seniority list.

Quota answers: *how many posts belong to each side?* Rota answers: *in what order do their names appear in the seniority list?*

Together they are called the **rota-quota rule**, or the "**rotation of quotas**" principle.

3. Illustration 1 — Quota alone (no dispute)

A cadre has **10 vacancies in the year 2020**. The rules say 50% promotion, 50% direct recruitment.

Source	Posts
Promotion	5
Direct recruitment	5

Nothing controversial so far. Five promotees and five direct recruits will join.

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4. Illustration 2 — Rota (the roster)

Now the department must prepare **one combined seniority list**. It does not put all 5 promotees first and all 5 direct recruits below. It **alternates** them according to the roster:

Position Officer Source

1	P1	Promotee
2	D1	Direct recruit
3	P2	Promotee
4	D2	Direct recruit
5	P3	Promotee
6	D3	Direct recruit
7	P4	Promotee
8	D4	Direct recruit
9	P5	Promotee
10	D5	Direct recruit

The key point: D1 sits at position 2 **even though P2, P3, P4 and P5 joined the cadre months before D1 did**. The roster, not the date of joining, decides the order.

The Constitution Bench in *Mervyn Coutindo* held that this rotational system does **not** violate Article 16(1). The reason given in the earlier cases is practical:

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promotion takes a few weeks, an open competitive examination takes two or three years. If date of joining alone decided seniority, the direct recruit's quota would be worth nothing.

5. Illustration 3 — What happens when direct recruits do not come

This is where every dispute begins.

Suppose in 2020 the department promotes its 5 promotees on time, but the examination for the 5 direct recruit posts is never held. Only 3 direct recruits eventually become available.

The Government's own instruction (OM dated 07.02.1986) supplies the answer in three steps:

Step 1 — Rotate only up to the available direct recruits. Rotation stops at the last point where it is possible to rotate.

Step 2 — Bunch the leftover promotees at the bottom. The promotees for whom there is no direct recruit to alternate with are placed together at the bottom of that year's list.

Step 3 — Carry forward the unfilled direct recruit vacancies to the next year, and place those extra direct recruits **en bloc below the last promotee** of the later year's list.

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The Government's own worked example (from OM dated 07.02.1986)

10 vacancies in 1986 and 10 in 1987; 50:50 quota; **2 direct recruit vacancies of 1986 remain unfilled in 1986 and are filled in 1987.**

1986 list	1987 list
1	P1 9 P1
2	D1 10 D1
3	P2 11 P2
4	D2 12 D2
5	P3 13 P3
6	D3 14 D3
7	P4 15 P4
8	P5 16 D4
	17 P5
	18 D5
	19 D6
	20 D7

Read the 1986 column carefully. P4 and P5 are **bunched** at positions 7 and 8 because only 3 direct recruits were available. And D6 and D7 — the two direct recruits who came late against the **1986** carried-forward vacancies — do **not** get 1986 seniority. They are pushed to the **bottom of 1987**, at positions 19 and 20, below every promotee.

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This little illustration is the hinge of the whole controversy. In 2019, a three-Judge Bench said this illustration proves that a late direct recruit cannot claim the earlier year's seniority — and that the 2012 judgment had overlooked it.

6. The real fight: what is the "relevant year" for a direct recruit?

Every case turns on picking **one** of these five dates:

Option	Date	Who benefits
(i)	Year the vacancy arose	Direct recruit
(ii)	Year the requisition was sent to SSC/UPSC	Direct recruit
(iii)	Year the advertisement was issued	Direct recruit
(iv)	Year the selection/result was declared	Mixed
(v)	Year of actual appointment / joining	Promotee

- If you pick **(i), (ii) or (iii)** — the direct recruit is **interspaced** with the promotees of that earlier year. He gets back-dated seniority for a period when he was not in service at all.
- If you pick **(v)** — the direct recruit is **bunched below** all promotees who came before him. This is the *"you cannot claim seniority from a date when you were not borne in the cadre"* rule.

N.R. Parmar chose (ii)/(iii). *K. Meghachandra* chose (v). *Hariharan* has sent the conflict to a five-Judge Bench.

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7. The rule books (the Office Memoranda)

Before the case law, know the four instructions that everyone argues about. These are **executive instructions** of the Central Government — they apply only where there is **no statutory service rule** on the point.

OM / Instruction What it says, in simple words

OM dated 22.12.1959 (MHA, by **rotation of vacancies** based on the quotas in the General Principles Recruitment Rules. This is the parent instruction. of Seniority, Para 6)

OM dated 07.02.1986 (DoPT) Modified the 1959 OM. Rotation only to the extent direct recruits are **actually available**; surplus promotees **bunched at the bottom**; unfilled DR vacancies **carried forward**; late direct recruits placed **en bloc below the last promotee** of the later year. Effective 01.03.1986.

OM dated 03.07.1986 (DoPT) A **consolidation** of earlier instructions (Paras 2.4.1 to 2.4.4). The Supreme Court in *Parmar* held its position is **identical** to the 1986 OM — it created nothing new.

OM dated 03.03.2008 (DoPT) "Clarified" that the year of **availability** means the actual year of appointment, and that persons appointed against unfilled vacancies in later years get the seniority of the year of appointment on a substantive basis.

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OM / Instruction What it says, in simple words

OM dated Defined the recruitment year as the year of **initiating** the
04.03.2014 (post- recruitment process against the vacancy year, with rotation
Parmar) of quota continuing. Issued to implement *Parmar*.

Since *K. Meghachandra* operates prospectively, inter se

OM dated seniority of persons who joined **between 27.11.2012 and**
13.08.2021 18.11.2019 is not to be disturbed and remains governed by
the 1986 OMs read with the OM dated 04.03.2014.

8. The judgments, one by one

8.1 *Mervyn Coutindo v. Collector of Customs, Bombay*, (1966) 3 SCR 600 — Constitution Bench (5 Judges)

- Appraisers in the Customs Department; 50% direct recruitment, 50% promotion.
- Promotees complained that officers with much longer service were being placed **below** direct recruits with much shorter service — a violation of Article 16(1).
- **Held:** the rotational system is valid. Seniority is fixed by alternately placing a promotee and a direct recruit as per the roster. The anomalies complained of do not arise from the rotational system itself; they arise from the **fortuitous circumstance** that direct recruitment fell short of its quota.

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Anomalies caused by insufficient direct recruitment are not a ground to strike down the roster.

- **Why it matters today:** it is a **Constitution Bench** decision approving rota-quota. Its non-citation before the 2019 Bench is the foundation of the *per incuriam* argument in *Hariharan*.

8.2 *Union of India v. S.D. Gupta*, (1996) 8 SCC 14 and *M. Subba Reddy v. APSRTC*, (2004) 6 SCC 729 — 3 Judges

Both are the "pro-roster" line relied on in *Hariharan*:

- **S.D. Gupta:** promotees argued that direct recruits were not even born in the service when the promotees were promoted, so equity forbids pushing the promotees down. The Court **rejected** this. The object of direct recruitment is to blend talent with experience; so long as the system continues, these consequences are inevitable; the question of equity does not arise.
- **M. Subba Reddy:** APSRTC, 1:1 quota. **Held:** neither the date of promotion nor the date of selection is the criterion. Fixation of seniority depends on the **number of vacancies** falling in each category. The rule of **rota is inbuilt in the quota**. Accepting the promotees' plea would push the whole body of direct recruits below the whole body of promotees and defeat the quota altogether.

8.3 *Jagdish Ch. Patnaik, Suraj Parkash Gupta, Pawan Pratap Singh* — the opposite line

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These are the "date of appointment" cases: under service jurisprudence, **seniority cannot be claimed from a date when the incumbent was not yet borne in the cadre**, and retrospective seniority cannot be given to the prejudice of those already validly appointed. *Parmar* distinguished them; *K. Meghachandra* said *Parmar* distinguished them **incorrectly** and restored them.

8.4 *Union of India v. N.R. Parmar*, (2012) 13 SCC 340 — 2 Judges (D.K. Jain and J.S. Khehar, JJ.), decided 27.11.2012

Facts, in order:

Date	Event
1993-1994	Recruitment year in dispute; Income Tax Inspector posts, quota 2:1 (66 ² / ₃ promotion : 33 ¹ / ₃ direct)
May/June 1993	SSC issued the advertisement for the 1993-94 direct recruit vacancies
30.08.1993, 01.09.1993, 14.12.1993	Promotees appointed against 1993-94 promotee vacancies
December 1993	Written test held
October 1994	Viva voce held
21/28.01.1995	Result declared
March–May 1995	Direct recruits joined

Held (Para 52): Both the **requisition** and the **advertisement** were issued in the very recruitment year in which the direct recruit vacancies arose. The advertised vacancies were filled in the **original/first** examination — nobody was occupying

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a carried-forward vacancy, and no "later" examination was involved. Only the *completion* of the process spilled over. Therefore the rotation-of-quotas principle applied fully, and the direct recruits had to be **interspaced with the promotees of the same recruitment year**.

On the OMs: the letter dated 11.05.2004 (which said seniority runs from the year of actual appointment) was rejected — a "clarification" cannot conflict with the instrument it claims to clarify, and it had in any case been kept in abeyance by the letter dated 27.07.2004 and superseded on 08.09.2004. The OM dated 03.03.2008 was held to be *non est* to the extent it derogated from the 1986 OMs.

The practical rule of *Parmar*: administrative delay in completing a recruitment that was **started on time** cannot rob the direct recruit of his seniority.

8.5 *N.R. Parmar* — Review dismissed, (2018) 18 SCC 20, decided 07.08.2013 (R.M. Lodha and J.S. Khehar, JJ.)

Review Petitions (C) Nos. 905-06 of 2013 and R.P. (C) No. 1352 of 2013 were dismissed. The Court found **no mistake apparent on the face of the record**. Applications for oral hearing were rejected; delay condoned. So *Parmar* stood affirmed and became the working law for the next six years.

8.6 *K. Meghachandra Singh v. Ningam Siro*, (2020) 5 SCC 689 — 3 Judges (R. Banumathi, A.S. Bopanna and Hrishikesh Roy, JJ.), decided 19.11.2019

Facts, in order:

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Date	Event
29.07.2005	Requisition sent to Manipur PSC for MPS Grade-II vacancies of 2005
2005	Advertisement issued (candidates awaiting qualifying exam results were also allowed to apply)
01.03.2007	Promotees inducted into MPS Grade-II
14.08.2007	and
24.11.2007	Direct recruits appointed
17.05.2013	Final seniority list published, dovetailing the two streams
07.07.2017	Single Judge quashed the lists — promotees to rank above
26.09.2018	Division Bench upheld the Single Judge
19.11.2019	Supreme Court dismissed the direct recruits' appeals

Held:

1. **Statutory rules prevail.** Rule 28(i) of the Manipur Police Service Rules, 1965 says seniority is determined by the **order in which appointments are made**. The MPS Rules never provided for counting seniority from the date of vacancy. The Central Government OMs relied on in *Parmar* cannot override a State's own service rules.
2. **The OMs themselves were misread in *Parmar*.** The OMs dated 07.02.1986 and 03.07.1986 in fact made it clear that seniority runs from the date of appointment; the *Parmar* Bench referred to the illustration in the

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OM but **overlooked its effect** — that illustration itself shows 1986 vacancies filled in 1987 entering only the 1987 list.

3. The "**administrative delay**" reasoning is **unsound**. On the day the recruitment process starts, **no one can be identified as a selected candidate**; the body of aspirants does not exist. A person who might answer an advertisement has no service-related rights, still less a right to seniority from the date of the advertisement. Only on completion of the process does an applicant become a selected candidate. Even empanelment gives no right (*Shankarsan Dash*).
4. **Result:** *N.R. Parmar* is **overruled**; *Jagdish Ch. Patnaik* is affirmed.
5. **Prospective overruling** — **read this part carefully**. The decision *will not affect inter se seniority already fixed on the basis of N.R. Parmar*, which is **protected**. It applies **prospectively**, *except* where seniority is to be fixed **under the relevant rules** from the date of vacancy or the date of advertisement.

8.7 Hariharan v. Harsh Vardhan Singh Rao, 2022 SCC OnLine SC 1717 — 2 Judges (S. Abdul Nazeer and Abhay S. Oka, JJ.), decided 14.12.2022

Facts, in order (Gujarat Income Tax Inspectors):

Date	Event
26/29.06.2009	DPC recommendations; 53 posts filled by promotion (<i>see the note on the date discrepancy at §11</i>)

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Date	Event
20.11.2009	Chief Commissioner forwarded requisition for 46 direct posts (35 current + 11 carried forward)
15.01.2010	DoPT granted NOC for 482 vacancies; forwarded to SSC the same day
21.01.2010	Requisition to Secretary, SSC for CGLE-2009/10 — approx. 482 vacancies
30/31.01.2010	Advertisement / notice of CGLE-2010 published
02.03.2010	Last date for applications; candidates to be qualified as on this date
10.05.2010	/
31.07.2010	Tier-I and Tier-II examinations
27.10.2010	CBDT submitted 846 confirmed vacancies to SSC
07.01.2011	Result declared; 822 candidates recommended
27.11.2012	<i>N.R. Parmar</i> decided
25.05.2014	/
29.05.2014	Draft and final seniority lists
07.09.2016	Modified seniority list — CGLE-2010 direct recruits interspaced with promotees of 2009-2010
17.01.2018	CBDT clarification
13.02.2018	Revised seniority list — direct recruits pushed to 2010-2011 promotees

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Date	Event
11.05.2018	Gujarat High Court quashed the 13.02.2018 list and restored the 07.09.2016 list
13.07.2018	Supreme Court issued notice; status quo ordered
19.11.2019	<i>K. Meghachandra</i> decided
14.12.2022	Supreme Court refers the question to a five-Judge Bench ; interim order vacated

What the Court decided:

- **Recruitment year = financial year** on these facts. The department's own documents — the representation dated 25.11.2016, the letter dated 03.08.2016, the CBDT clarification dated 07.11.2014 (referring to vacancy years 1986-87 to 2013-14), the prescribed proforma, and DoPT OM dated 08.05.2017 (permitting a shift to the calendar year only from 2018) — all treated the vacancy year as the financial year. The CGLE-2010 advertisement did not mention any recruitment year at all, and SSC merely acts on the department's instructions.
- **The process began within the recruitment year 2009-2010.** Requisition 21.01.2010, notice 31.01.2010, last date 02.03.2010 — all inside the financial year 2009-2010.
- **The reference.** *Prima facie*, the attention of the *K. Meghachandra* Bench was **not invited** to the Constitution Bench decision in *Mervyn Coutindo* or

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the co-ordinate three-Judge decision in *M. Subba Reddy*. Two questions were framed for a Bench of five Judges:

1. Whether *K. Meghachandra* can be a binding precedent in the light of *Mervyn Coutindo* and *M. Subba Reddy*;
 2. Where there is no contrary statutory rule and the rota-quota rule applies, whether direct recruits recruited in a process that **commenced** in the relevant recruitment year but **ended later** can be interspaced by rotation with those of the same recruitment year promoted earlier in that year.
- **The fallback holding.** Even if *K. Meghachandra* was correctly decided, it operates **prospectively**, and the 07.09.2016 list had been made under *Parmar* while *Parmar* was in force. Therefore it could not have been altered on 13.02.2018 — and it was altered without hearing the affected direct recruits.
 - The Court also noted that a mechanical distinction must be preserved: if the process **started** in the year but could not be completed, the late direct recruits are **interspaced**; but if the process was **completed** in the year and simply did not yield enough candidates, the shortfall is carried forward and those candidates are **bunched below** the earlier years' promotees.

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8.8 K.K. Soni v. Union of India, LPA 228/2025, 2025:DHC:5055-DB — Delhi High Court, Division Bench (Navin Chawla and Renu Bhatnagar, JJ.), reserved 17.04.2025, pronounced 01.07.2025

Facts, in order (Airports Authority of India, Manager (ATC)):

Date	Event
07.10.2007	AAI Advertisement No. 2/2007 for 68 posts of Manager (ATC) — per RTI, 55 vacancies of 2005 and 13 of 2006
17.08.2005	to Promotions of Assistant Managers in batches (67, 50, 23, 29
24.12.2009	provisional, 42, 159 and 6) — all before the appellants joined
01.12.2009	Final result declared; appellants successful
2010	Appellants joined as direct recruits
11.01.2011	Seniority list — appellants placed below the promotees
23.03.2012	Second seniority list — same position
2012 and 2013	Representations seeking rectification
15.01.2013	Third seniority list — same position
2013	W.P.(C) 7524/2013 filed
24.12.2024	Single Judge dismissed the writ petition
01.07.2025	Division Bench dismissed the LPA

Held:

1. **Statutory regulations occupy the field.** Clauses 30.1.7 to 30.1.10 of the AAI (Recruitment and Promotion) Regulations, 2005 govern, and the

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DoPT OMs are inapplicable — DoPT's own FAQs say seniority in PSUs and autonomous bodies is governed by their own regulations.

2. **Reading Clause 30.1.10 closely:** additional direct recruits selected against carried-forward vacancies of previous years go **en bloc below the last promotee** in the seniority list based on the rotation of vacancies "**in that year**" — and *that year* means the year of **selection/appointment**, not the year of the vacancy.
3. **The pending reference does not help.** *K. Meghachandra* has been referred to a larger Bench in *Hariharan*, but **in the absence of a stay it continues to hold the field** and binds the High Court.
4. ***Mervyn Coutindo* does not apply.** It was answering a challenge that the rota-quota system violates Article 16(1); it did not decide the date from which a late direct recruit's seniority runs. The Government itself, seeing the anomalies, later issued the bunching and carry-forward instructions.
5. **The protection under prospective overruling is narrow — the most useful holding for practitioners.** The impugned list of **11.01.2011 pre-dates *Parmar* (27.11.2012)**. It was not and could not have been prepared on the basis of *Parmar*. *K. Meghachandra* protects only those inter se seniority lists **already prepared on the basis of *Parmar***. So this list got **no protection at all**.

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6. Administrative delay from 2007 to 2010 is no answer, following Para 38 of *K. Meghachandra*.

9. Master timeline of the law

Year	Event
1959	MHA OM dated 22.12.1959 lays down the General Principles of Seniority; Para 6 introduces rotation of vacancies based on quota
1966	<i>Mervyn Coutindo</i> — Constitution Bench upholds the rotational system against an Article 16(1) challenge
1967	<i>S.G. Jaisinghani</i> — once a quota is fixed between two sources, the Government cannot alter or deviate from it
1986	OM dated 07.02.1986 — bunching of surplus promotees, carry-forward of unfilled DR vacancies, en bloc placement of late direct recruits; effective 01.03.1986
1986	OM dated 03.07.1986 — consolidation of instructions (Paras 2.4.1 to 2.4.4)
1996	<i>S.D. Gupta</i> — promotees may be pushed down; the object is to blend talent and experience
1998	<i>Jagdish Ch. Patnaik</i> — seniority cannot be claimed from a date when not borne in the cadre
1999 & 2000	DoPT Office Notes dated 20.12.1999 and 02.02.2000 — "initiation of action for recruitment" means the date the requisition is sent to the recruiting authority
2000	<i>Suraj Parkash Gupta</i> — seniority from the date of first appointment

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Year	Event
2004	<i>M. Subba Reddy</i> — 3 Judges — rota is inbuilt in the quota
2004	Letter dated 11.05.2004 (seniority from year of actual recruitment); kept in abeyance 27.07.2004; superseded 08.09.2004
2008	OM dated 03.03.2008 — "availability" means the actual year of appointment
2011	<i>Pawan Pratap Singh</i> — no retrospective seniority
27.11.2012	<i>N.R. Parmar</i> — 2 Judges — if requisition and advertisement issued in the vacancy year, direct recruits are interspaced with promotees of that year; OM dated 03.03.2008 held <i>non est</i> to the extent of conflict
07.08.2013	<i>N.R. Parmar Review dismissed</i> — no error apparent on the face of the record
04.03.2014	Central Government OM implementing <i>Parmar</i> — recruitment year = year of initiating the process
2014	<i>State of U.P. v. Ashok Kumar Srivastava</i> — post- <i>Parmar</i> , reaffirms no retrospective seniority
19.11.2019	<i>K. Meghachandra Singh</i> — 3 Judges — <i>Parmar</i> overruled ; seniority runs from the date of appointment; prospective overruling, with lists already fixed on <i>Parmar</i> protected
13.08.2021	DoPT OM — seniority of those who joined between 27.11.2012 and 18.11.2019 not to be disturbed

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Year	Event
14.12.2022	<i>Hariharan</i> — the correctness of <i>K. Meghachandra</i> referred to a Bench of five Judges; interim status quo vacated
2023	<i>Jagmohan Vishwakarma</i> (Delhi HC DB) — seniority under CRPF Rules reckoned from date of appointment
01.07.2025	<i>K.K. Soni</i> (Delhi HC DB) — in the absence of a stay, <i>K. Meghachandra</i> holds the field; protection of prospective overruling extends only to lists actually prepared on the basis of <i>Parmar</i>

10. Where the law stands today — and how to argue it

Think of it as a decision tree.

Step 1 — Is there a statutory rule or regulation on seniority? If yes (a Service Rule, a Recruitment Rule, a statutory Regulation such as the AAI Regulations, 2005), **that rule governs and the DoPT OM's are irrelevant.** This is the ratio of both *K. Meghachandra* and *K.K. Soni*. Read the rule first — before reading any judgment.

Step 2 — What does that rule say the seniority date is?

- If it says *order in which appointments are made* → date of appointment wins (the *Meghachandra* result).
- If it says seniority is to be fixed *from the date of vacancy or the date of advertisement* → note that *K. Meghachandra* itself **carves this out** from its prospective operation.

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- If it prescribes rotation of vacancies with carry-forward and en bloc placement → read the words "*in that year*" the way *K.K. Soni* read Clause 30.1.10: the year of selection/appointment.

Step 3 — If there is no statutory rule, the OMs and case law apply. When was the seniority list actually prepared?

- **Before 27.11.2012** — it could not have been based on *Parmar*, so it gets **no protection** from prospective overruling (*K.K. Soni*).
- **Between 27.11.2012 and 18.11.2019, and actually prepared on the basis of *Parmar*** — **protected** by *K. Meghachandra* itself and by DoPT OM dated 13.08.2021, and it cannot be reopened (*Hariharan*, on the 07.09.2016 list).
- **After 18.11.2019** — *K. Meghachandra* applies; seniority from the date of appointment.

Step 4 — Was the recruitment process started within the vacancy year? This only matters if you are running the *Parmar* / *Hariharan* line. Establish the **requisition date** and the **advertisement date** from the record, and establish whether the vacancy year is the financial year or the calendar year from the department's **own documents** — that is exactly how *Hariharan* decided the point.

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Step 5 — Check the reference. *Hariharan* has referred the correctness of *K. Meghachandra* to five Judges. Until that Bench decides, and in the absence of a stay, *K. Meghachandra* binds every court and tribunal (*K.K. Soni*, Para 25).

11. Discrepancies visible in the Judgments

- 1. Date of the 1959 OM.** Para 3 of *Hariharan* refers to an OM dated **22.11.1959**, while Para 25 of the same judgment, *N.R. Parmar* and *K.K. Soni* all refer to **22.12.1959**. *Hariharan* Para 32 separately refers to a circular/OM dated **12.09.1959** in the context of *Mervyn Coutindo*.
- 2. Date of the DPC in *Hariharan*.** Para 5 says 53 posts were filled by promotion on **26.06.2009**; Paras 6, 7, 26 and 36 refer to the **DPC dated 29.06.2009**. Both dates are in the same judgment.
- 3. Date of the CGLE-2010 advertisement in *Hariharan*.** Para 5 says the advertisement was published on **30.01.2010**; Para 23 says the notice was published on **31.01.2010**.
- 4. Date of the CGLE-2010 examination in *Hariharan*.** Para 5 records Tier-I on **10.05.2010** and Tier-II on **31.07.2010**; Para 23 says the examination notified on 31.01.2010 was held on **16.05.2010**.
- 5. Date of the judgment under review in the *Parmar* Review order.** The Record of Proceedings states that review is sought of the judgment dated **27.12.2012**, whereas *N.R. Parmar* was decided on **27.11.2012**. This

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appears to be typographical, but the review order itself is dated 07.08.2013 while it is reported at (2018) 18 SCC 20.

6. **Ratio claimed in *K.K. Soni*.** The appellants pleaded inter-spacing in a **3:1** ratio under the 2005 Regulations. The judgment reproduces Clauses 30.1.7 to 30.1.10 but does not set out the clause fixing the ratio; the ratio is therefore **not ascertainable from the available record**.
7. **Word missing in *Hariharan* Para 38(i)(b).** The framed question as printed asks whether late direct recruits can be interspaced "with the **direct recruits** of the same recruitment year who were promoted earlier during the same year". Read in context this must mean **promotees**; the printed text appears to contain an error.

12. One-page summary

- **Quota** = how many posts each source gets. **Rota** = the order in which they are slotted into the seniority list.
- The roster, not the date of joining, is what makes rota-quota work — and the Constitution Bench in *Mervyn Coutindo* held that this does not offend Article 16(1).
- Trouble starts when direct recruits arrive **late**. The 1986 OMs answer it by **bunching** the extra promotees and pushing the late direct recruits **en bloc to the bottom of the later year**.

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- *N.R. Parmar* (2012) gave the direct recruit the **earlier** year's seniority if the requisition and advertisement were issued in that year. Its review was dismissed in 2013.
- *K. Meghachandra* (2019, 3 Judges) **overruled** *Parmar*: nobody gets seniority from a date when he was not borne in the cadre — but only **prospectively**, protecting lists already fixed on *Parmar*.
- *Hariharan* (2022) says *K. Meghachandra* may be *per incuriam* because *Mervyn Coutindo* and *M. Subba Reddy* were never shown to that Bench, and has **referred the question to five Judges**.
- *K.K. Soni* (Delhi HC DB, 2025) confirms two working propositions: **statutory rules beat OMs**, and **without a stay, *K. Meghachandra* binds** — and the protection of prospective overruling covers only lists genuinely prepared on the basis of *Parmar*.