"41. The direct recruits contend that **rota** is to be implied or read into the "**quota**" **rule**. It is also argued that there has been a previous practice of applying a **rota** and that this fact stands conceded in the counter-affidavit filed by the Government in SWP No. 824-B of 1994. Reliance is also placed on the Cabinet note of December 1997 where the view of the Law Department that **quota-rota rule** is to be applied, is referred to." He also referred to the judgment of G.S.Lamba & Ors. v. U.O.I. & Ors.1985 (2) SCC 604 and relied upon paras 17, 23 and 25 which are as under:

"17. It is too late in the day to dispute that it would be open to the Government, while constituting a service, to provide for recruitment to it from more than one source and also to reserve **quota** for each source. As a logical corollary, it would equally be open to the Government to provide for seniority **rule** related to **rota**tion of vacancies. Shortly this is called **quota rule** of recruitment and **rota rule** of seniority interlinking them. So far there is no controversy. The contention of the petitioners is that in implementing this **rule** there has been such large scale deviation that it results in denial of equality to the members of the service similarly circumstanced. It will be presently demonstrably established that where **rota rule** of seniority is interlinked with **quota rule** of recruitment, and if the latter is unreasonably departed from and breaks down under its own weight, it would be unfair and unjust to give effect to the **rota rule** of seniority. To some extent this is not res integra. Though some advance has been made on this proposition in later decisions.

31. Significantly, Paramjit Singh's case has been specifically taken note of and commented upon by the Constitution bench. Therefore, we are not faced with a situation where Paramjit Singh judgment has gone unnoticed. This judgment has been discussed by the Constitution Bench in para 71, as under:

"71. In Paramjit Singh Sandhu v. Ram Rakha it was held by this Court on a harmonious reading of **Rules** 3, 4, 6, 8, and 10 of the Punjab Police **Rules**, 1959 that the **quota rule** was operative both at the time of initial recruitment and at the time of confirmation. We would like to clarify that this case is not an authority for the proposition that whenever service **rules** provide for **quota**, the **rule** of **rota** must be read into the **rule** of **quota**. We are not laying down that the **rules** of **quota** and **rota** cannot coexist. Service **rules** may so provide or they may yield to such an interpretation. In that event, their validity may have to be tested in the total setting of facts. Therefore, whether the **quota** system has to be observed not only at the stage of initial recruitment but also at the stage of confirmation is not a matter of abstract law but will depend on the wording of the **rules** and the scheme of the **rules** under consideration. Any dogmatic assertion, one way or the other, is wrong to make. On a review of these authorities, all that we would like to say is that on a proper interpretation of the **rules** governing the Punjab and Haryana Superior Judicial Service, the **rule** of **rota** cannot be read into the **rule** of **quota**. In other words, the ratio of 2 : 1 shall have to be applied at the stage of recruitment

but cannot, on the language of the relevant **rules**, be applied at the stage of confirmation."

32. From the reading of the aforesaid extracted portion, it follows that the Court made it clear that it was not laying down that **rule** of **quota** and **rota** cannot go exist. Service **rules**, in a particular case may specifically provide the co-existence of **quota** and **rota**. There may also be a situation where service **rules** be interpreted as such. That is a very important comment made by the Constitution Bench after taking note of the ratio in Paramjit Singh's case. It is specifically noted how the Court on harmonious reading of **Rules** 3,4,6,8 and 10 of these 1959 **Rules** had come to the conclusion that **quota rule** was operative both at the time of initial appointment and at the time of confirmation. After taking note of this ratio on the harmonious interpretation of the **Rules** in question, rather than stating that such an interpretation was impermissible or wrongly given, the Constitution Bench clarifies that there may be circumstances where such an interpretation would be permissible and validity of the **rules** would be tested in the total setting of facts. That was precisely done by the Bench in Paramjit Singh's case. Only conclusion which can be drawn from the reading of para 71 of the judgment is that the harmonious reading of the 1959 **Rules** done in that case was in fact approved, and by no stretch of reasoning, can it be inferred that it was over**rule**d.