

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5576 OF 2006
(Arising out of SLP(C) No.6939/2006)

STATE OF JAMMU & KASHMIR

.....APPELLANT(S)

VERSUS

RAKESH WARIKOO & ORS.

.....

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel appearing on behalf of both sides.

It is stated in para 6 of the counter affidavit of respondent No.1 as

under :-

"After having considered repeated orders passed by the Hon'ble Single and Division Bench of the Hon'ble High Court in Writ Petitions filed by the deponent and after having considered the fact that the less meritorious candidates who had acquired much lesser marks/points than the deponent, had already been appointed, the J&K State Service Selection Board, Jammu by letter dt. 22.1.2004 recommended the State of Jammu & Kashmir, Department of Power Development, to issue

appointment letter to the deponent for the post of Junior Engineer (Electrical), Grade-II. A copy of the said letter dated 22.1.2004 issued by the J&K State Service Selection Board has already been enclosed as Annexure P-11 (page 94 to 97) of the Special Leave Paper Book."

Pursuant to the above recommendation, the J&K State Service

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Selection Board, Jammu observed and issued the directions as under :-

"Whereas the last selected candidate in the year 1992/93 has scored 64 points.

Now, therefore, the petitioner namely Mr.Rakesh Warikoo S/o R.J.Warikoo R/o 2/109 Indira Nagar, Udampur having scored higher marks and being meritorious than the last selected candidate is recommended for appointment as Junior Engineer Grade-2 in the P.D.D. against an available vacancy. His appointment orders may be issued subject to the final outcome of the SLP pending before the Hon'ble Supreme Court in the lead case titled J&K State vs. Narinder Verma and Others."

It is not in dispute that the last selected candidate in the year

1992-1993 has secured 64 points whereas the respondent No.1 (Rakesh

Warikoo) secured 65.32 which is higher than the last selected candidate.

We, therefore, direct the appellant to consider the request of the first respondent (Rakesh Warikoo) and issue appointment orders as per the recommendation. The appeal stands disposed of accordingly. No costs.

.....J.

(Dr.AR.LAKSHMANAN)

.....J.

(ALTAMAS KABIR)

NEW DELHI;

DECEMBER 4, 2006.

ITEM NO.61

COURT NO.9

SECTION XVIA

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

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RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6939/2006

(From the judgement and order dated 11/04/2005 in CDL No. 17/2005 in LPA No. 47/2005 & impugned order dt.09.09.2005 in CDL No. 37/2005 of The HIGH COURT OF J & K AT JAMMU)

STATE OF JAMMU & KASHMIR

Petitioner(s)

VERSUS

RAKESH WARIKOO & ORS.

Respondent(s)

(With appln(s) for vacating stay and with prayer for interim relief and office report)

Date: 04/12/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Anis Suhrawardy, Adv.

For Respondent(s)

Mr. Dinesh Kumar Garg, Adv.

Dr. Bheem Pratap Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

No costs.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master

(Signed order is placed on the file)