

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

C.A. NO.5085 OF 2006 @ S.L.P. (C)NO.6716 OF 2004

D.K. MAHORE

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

Heard both sides.

Leave granted.

Delay condoned.

The appellant was working in the Department of

Telecommunication and was seeking promotion to the post of J.T.O.

The promotion to the cadre of J.T.O. Is regulated by the Departmental

selection and the petitioner, along with others appeared for the

selection. The appellant belongs to S.C.category. In the selection

qualified marks prescribed were 40% for general candidates and 33%

for reserved candidates. Some candidates who did not get selection

challenged the matter before the Tribunal and the Tribunal gave

certain directions. Aggrieved by the same, the Union of India filed the

writ petition before the High Court. When the matter came up before

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the High Court, the respondent Union of India made a submission that

there was further relaxation in the minimum marks prescribed and it

was submitted that 40% was reduced to 30% and on that basis some

general candidates were selected and the writ petition was disposed of

accordingly.

The appellant herein who was a reserved candidate submits

that when 40% minimum marks which were prescribed for general

candidates was reduced to 30% there should have been a

corresponding relaxation for the reserved categories also. Counsel for

the appellant submits that the appellant has already challenged the

same before the High Court and the matter is pending before the High

Court. The appellant apprehends that it will take time to dispose of the

same. Having regard to the facts and circumstances of the case and as

the matter is pending before the High Court, we do not find any reason

to interfere with the impugned order. Accordingly, the appeal is

disposed of. We request the High Court to dispose of the matter

pending before it at the earliest at least within a period of one year.

.....J.

(K.G. BALAKRISHNAN)

.....J.

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(D.K

JAIN)

NEW DELHI;

17TH NOVEMBER, 2006

ITEM NO.204

COURT NO.2

SECTION IVA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6716/2004

(From the judgement and order dated 28/04/2003 in CWP No. 4092/2002
of The

HIGH COURT OF M.P. AT JABALPUR)

D.K. MAHORE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing c/c of the impugned

Judgment and prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

Date: 17/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Dr. Krishan Singh Chauhan,Adv.

Mr.Chand Kiran,

Ms.Gyan Mitra, Adv.

Mr.P.K.Jayakrishnan,Adv.

For Respondent(s)

Mr.Sukumar Pattjoshi, Adv.

Mr. Rishi Kesh,Adv.

Mr. Prakash Shrivastava ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard both sides.

Leave granted.

Delay condoned.

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

(G.V.Ramana)

(Vijay Aggarwal)

Court Master

Court Master

(Signed order is placed on the file)