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C.A.No. 757 OF 1999
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.757 OF 1999@@
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Suresh K. Sharma & Ors. .. Appellants

Vs.

State of Haryana & Ors. .. Respondents

WITH

C.A. NO. 758 OF 1999@@
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Haryana Public Service Commission invited applications for recruitment to 19 posts of Assistant District Attorney. Later on at the request of the Government, the number of posts for selection having been raised the Haryana Public Service Commission recommended 87 names for appointment to the posts of Assistant District Attorney. A Writ petition - CWP No. 4355/1992 was filed by respondent no. 3 herein challenging the recommendation made by the Commission in respect of the candidates in excess of the 19 vacancies inasmuch as his future prospects will be affected. The High Court in fact noticed in the course of its order that respondent No. 3 did not possess the necessary qualifications to seek the post as Asstt. District Attorney and later on respondent NO. 3 made a statement before the High Court that he has since shifted his practice to the High Court in Chandigarh and had appeared in Court in response to the request of the respondents who had sought to prevail

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upon him to withdraw the petition. He had appeared before the Court and stated that though he was no longer interested in the post in question yet he expressed his unwillingness to withdraw the petition.

The High Court in view of this development ought to have recorded that the petition filed by respondent NO. 3 had become infructuous and should not have interfered with the selections made, but on the other had partly allowed the petition and while maintaining the appointments to 47 posts, quashed the appointments of the other respondents.

The order made by the High Court is set aside and the appeals are allowed by holding that the petition filed by respondent no.3 herein before the High Court has become infructuous and shall stand dismissed accordingly.

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[S. RAJENDRA BABU]@@
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New Delhi,
November 6, 2001.

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[RUMA PAL]@@
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ITEM NO.107 COURT NO.6 SECTION-IV

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.757/1999

Suresh K. Sharma & Ors. .. Appellant (s)

Vs.

State of Haryana & Ors. .. Respondent(s)
(With office report)
With C.A. No. 758/1998(With office report)

DATE : 6.11.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS.JUSTICE RUMA PAL

For Appellant (s) : Mr. P.P. Rao, Sr. Adv.
Mr. Jagdeep Dhankar, Sr. Adv.
Mr. Naresh Kaushik, Adv.
Ms. Shilpa Chohan, Adv.
Mr. Devashish Bahruaka, Adv.
Ms. Lalita Kaushik, Adv.

Mr. Jasbir Malik, Adv.,
Ms. Sunita Sharma, Adv.

For Respondent (s) : Mr. L. Nageswara Rao, Sr.Adv.
Mr. J.P. Dhanda, Adv.
Mr. K.P. Singh, Adv.

UPON hearing counsel the Court made the following
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The appeals are allowed in terms of the signed order placed on the file. The petition filed by respondent No.3 had become infructuous and shall stand dismissed accordingly.

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(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file