

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5102-5107 OF 2005

ANDHRA PRADESH PUBLIC SERVICE COMMISSION
 LLANT

... APPE

VERSUS

RAJENDRA PRASAD & ORS.
 ONDENT

... RESP

With

C.A.No.5108/2005, C.A.No.5109/2005 and C.A.Nos.5110-5111/2005

O R D E R

In all these appeals the challenge is to the order dated 15.3.2002 passed by the Division Bench of the High Court dismissing writ petitions filed by the Andhra Pradesh Public Service Commission (APPSC) and order dated 13.9.2002 dismissing the Review Petitions.

We have heard the parties.

The High Court dismissed the writ petitions filed by the appellant- APPSC, inter alia, on two grounds : (i) that the Government had no grievance against the impugned directions of the Tribunal, (ii) that the APPSC did not produce the record either before the Tribunal or before the High Court and there is no record to show that the selection was impartial.

Pursuant to the direction of this Court on 25.1.2006, the original record

has now been made available for this Court. It is also noticed that the Writ Petition

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No.23523 of 2002 was filed by the Government challenging the order dated 17.7.2001 of

the single member of the Tribunal. In this view of the matter both the grounds on

which the High Court refused to entertain the writ petitions filed by the APPSC are

now available. We are of the view that since the original record has already been

produced on the basis of non-availability of which the High Court dismissed the writ

petitions and the Government has also filed writ petition can be considered by the High

Court afresh after considering the original record produced by the APPSC. In this

view of the matter both the orders dated 15.3.2002 and 13.9.2002 passed by the High

Court stand set aside and the matter is remanded back to the High Court to consider

afresh after perusing the original record produced by the APPSC. We make it clear

that both the parties are at liberty to raise any legal point as available to them in law.

Since, the matter has been pending for quite some time the High Court is

requested to dispose of the writ petitions within a period of three months from today.

The appellant shall produce original record before the Division Bench of the High

Court.

I.A. Nos.7 and 8 of 2006 are dismissed with the direction to approach the

High Court for impleadment.

Status quo as of today shall be maintained till the disposal of the writ

petitions by the Division Bench of the High Court.

The appeals are disposed of accordingly.

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.....J.

(H.K. SEMA)

.....J.

(DR. AR. LAKSHMANAN)

NEW DELHI,

MARCH 07, 2006.

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ITEM NO.104

COURT NO.8

SECTION XIIA

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(s). 5102-5107 OF 2005

ANDHRA PRADESH PUBLIC SERVICE COMMISSION

Appellant (s)

VERSUS

RAJENDRA PRASAD & ORS.

Respondent(s)

(With appln(s) for directions,impleadment and prayer for interim relief and office report)

With

C.A.No.5108/2005, C.A.No.5109/2005 and C.A.Nos.5110-5111/2005

(with prayer for interim relief and office report)

Date: 07/03/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant(s)

Mr. P.P. Rao, Sr.Adv.

Mr. Guntur Prabhakar, Adv.

For Respondent(s)

Mr. M.N. Rao, Sr. Adv.

Mr. Sridhar Pataraju, Adv.

Mr. Rohit N. Rao, Adv.

Mr. Avijeet K. Lala, Adv

for M/S. P.S.N. & Co. , Adv

Mr. C.S.N. Mohan Rao, Adv.

Mr. C.S. Rajan, Sr. Adv.

Mr. P. Venkat Reddy, Adv.

Mr. Anil Kumar Tandale , Adv

Mrs. K. Amareswari, Sr. Adv.

Mr. B. Ramana Murthy, Adv.

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Mr. Abhish Kumar, Adv.

Mrs. D. Bharathi Reddy, Adv.

Mrs. Sudha Gupta , Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the parties.

Both the orders dated 15.3.2002 and 13.9.2002 passed by the High Court stand set aside and the matter is remanded back to the High Court to consider afresh after perusing the original record produced by the APPSC. We make it clear that both the parties are at liberty to raise any legal point as available to them in law.

Since, the matter has been pending for quite some time the High Court is requested to dispose of the writ petitions within a period of three months from today.

The Bench of the appellant shall produce original record before the Division Bench of the High

Court.

I.A. Nos.7 and 8 of 2006 are dismissed with the direction to approach the

High Court for impleadment.

Status quo as of today shall be maintained till the disposal of the writ

petitions by the Division Bench of the High Court.

The appeals are disposed of accordingly.

(PAWAN KUMAR)
D SINGH)

COURT MASTER

(ANAN

COURT MASTER

(signed order is placed on the file)