

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.11982/1998

(From the judgement and order dated 18/05/1998 in WP 12630/97
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARISH KUMAR

Petitioner (s)

VERSUS

STATE OF HARYANA & ORS

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

With SLP(C)No.14628/1998, SLP(C)No.16875/1998, SLP(C)No.17637-17638/1998

Date : 17/11/2000 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s)

SLP(c) No.11982/98: Mr. Shree Pal Singh, Adv.

SLP(c) Nos.17637-38
of 1998: Mr. Neeraj Kumar Jain, Adv.
Mr. Aditya Kumar Chaudhary, Adv.
Mr. Bharat Singh, Adv.
Mr. A.P. Chhabra, Adv.
Mr. Ugra Shankar Pd., Adv.SLP(c) No.14628/98: Mr. Praveen Jain, Adv.
Mr. Rajesh Tyagi, Adv.
Dr. Aparna Bhardwaj, Adv.

For Respondent (s)

in SLP(c) No.16875
of 1998 & petnr. in
SLP(c) No.11982/98: Ms. Halida Khatun, Adv.
Mr. Abdus Sattar, Adv.
Mr. V. Sridhar Reddy, Adv.

SLP(c) No.11982/98: Mr. Goodwill Indeevar, Adv.

SLP(c) No.11982/98 &
SLP(c) No.14628/98: Mrs. K. Sarada Devi, Adv.

SLP(c) No.16875/98: Mr. Mahabir Singh, Adv.

SLP(c) Nos.17637-38
of 1998: Mr. Prem Malhotra, Adv.

UPON hearing counsel the Court made the following
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S.L.P.(c) Nos.11982 & 16875/1998:@@
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Leave granted. The appeals are allowed in terms of
the signed order with no order as to costs.

S.L.P.(c) Nos.14628 &17637-38/1998:@@
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List these matters for final disposal in February,
2001.

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(S.Sarangi) (V.P.Tyagi)
Court Master Court Master

Signed order is placed on the file.

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IN THE SUPRLEME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6498 OF 2000@@
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(Arising out of S.L.P.(c) No.11982 of 1998)

Harish Kumar ... Appellant

Versus

State of Haryana & Ors. ... Respondents

W I T H :

CIVIL APPEAL NO. 6499 OF 2000@@
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(Arising out of S.L.P.(c) No.16875 of 1998)

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Leave granted in both the Special Leave Petitions.

Heard learned counsel for the parties.

Both the appellants claim that the selection made in
pursuance to the advertisement dated 30.11.1996 on the ten
posts of Additional Ahlmads by the District & Sessions Judge,
as per their merit list, they ought to have been selected.
Initially some of the petitioners challenged the very selection
on various grounds through a writ petition. High Court held

appointment of respondent Nos.3 to 12 in the writ petition 12360 of 1997 except respondent Nos.6 and 12 was validly made and other appointments,viz. from respondent Nos.13 to 23 being

in excess to the posts advertised not validly made. Hence their appointments falling under this was quashed. Being aggrieved by this order of the High Court, the appellants have preferred these aforesaid appeals. For the purpose of disposal of these two appeals, we are not entering into the merits for the reasons which are recorded hereunder.

When the matter was taken up earlier on 3.11.2000 we passed the following order:

" Learned counsel appearing for District Judge states that confusion has arisen on account of there being three Rakesh Kumar. He would like to file a short affidavit specially to clarify this and with reference to the claim of Harish Kumar. Both are petitioners, one is in SLP(c) No.16875/98 and another in SLP(c) 11982/98. He may file the same within one week. List all these matters on 17th November, 2000."

There seems to be some dispute regarding Rakesh Kumar

as there are three Rakesh Kumar in the list prepared of the candidates who have secured 10 or above marks in the objective type test conducted for the recruitment to the posts of Additional Ahlmad.

In pursuance to this order dated 3.11.2000, an affidavit has been filed by the District & Sessions Judge. The fact which emerges from it, is that the appellant-Harish Kumar is found to be at serial No.2 while the appellant-Rakesh Kumar is at serial No.7. In pursuance to the said affidavit, they are within the qualified list for appointment. Without entering into other questions which may be involved in the appeals, in view of the said affidavit we direct that so far as these appellants, if they have yet been not appointed, they are entitled to be appointed from the due date when they ought to have been appointed i.e. when others were appointed.

With the aforesaid direction, we allow these two appeals with no order as to costs.

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Sd/-
.....J.
(A.P. Misra)

Sd/-
.....J.
(Doraiswamy Raju)

New Delhi,
November 17,2000.