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SLP(C)No. 20355 OF 2000

ITEM No.201

Court No. 4

SECTION XI
A/N MATTER

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.20355/2000
(From the judgment and order dt.20.5.2000 in WP 24163/2000
of The High Court of Judicature at Allahabad)

U.P. PUBLIC SERVICE COMMISSION & ANR.

Petitioner (s)

VERSUS

PRAVEEN SHUKLA

Respondent (s)

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

Date : 31/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Mr. A.S. Pundir,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is allowed.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
Court Master Court Master@@

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Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6056/2001@@

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(arising out of SLP(C) NO.20355/2000)

U.P.P.S.C. & Anr.Appellants

Vs.

Praveen ShuklaRespondent

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Leave granted.

Notwithstanding due service of notice, the respondent has not appeared. The Service Commission is in appeal against the impugned order of the High Court. Under the rules of Uttar Pradesh Public Service Commission, a candidate is required to give his date of birth in the application form, and it is clearly stipulated that the Commission is not bound to entertain an incomplete application form. A combined preliminary examination was held for selecting suitable candidates for entry into the U.P. Secretariat/U.P. Public Service Commission, and the respondent was one of the applicants. As his application was found to be lacking of the necessary particulars, the same was not entertained. He having approached the High Court, the High Court by the impugned judgment directed that he may be permitted to appear at the examination. That order, however, has been stayed. It

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is contended on behalf of the appellant that in view of the specific provision contained in the Rules, and the material particulars have been lacking, the Commission was wholly justified in not entertaining the application of the respondent, and the High Court was in error in directing that the said respondent should be allowed to appear at the examination. We find sufficient force in the contention. The High Court also appears to have disposed of the matter without even noticing the Public Service Commission. The impugned order of the High Court is wholly unreasonable and contrary to the relevant provisions of the Rules. The said order is accordingly set aside, and the appeal is allowed.

.SP1

.....J.
(G.B. PATTANAIAK)@@
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New Delhi,

.....J.@@

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August 31, 2001

(RUMA PAL)@@

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