

IN THE SUPREME COURT OF INDIA

ORIGINAL APPELLATE JURISDICTION

I.A. NOS. 15-23

IN

W.P. (CIVIL) No.165 OF 2005

SANJAY SINGH & ANR. ... Petitioners

VERSUS

U.P. PUBLIC SERVICE COMMISSION,
ALLAHABAD & ANR ...
Respondents

ORDER

The scaling method adopted in regard to 2003 recruitment to the post of Civil Judge in Uttar Pradesh was the subject matter of the decision dated 9.1.2007 in Sanjay Singh vs. U.P. Public Service Commission reported in 2007 (3) SCC 720. In para 52 of the judgment, this Court directed that the decision holding that the scaling system adopted by the U.P. Public Service Commission was unsuited in regard to Civil Judge (Junior Division) Examination and directing moderation, would be prospective in its application and will not affect the selections and appointments already made in pursuance of 2003 examination. However, in regard to those candidates who had

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challenged their non-selection diligently and without any delay or laches, certain directions were issued in para 53 of the judgment. It was made clear that the relief will be available only to such of the petitioners who had approached this Court and the High Court before 31.8.2005.

The Allahabad High Court has filed the present application for clarification. It is submitted that 15 unsuccessful candidates had approached the High Court challenging the recruitment process and/or their non-selection before 31.8.2005, but they had not specifically challenged the scaling system. The High Court has a doubt as to whether the benefit of this Court's decision, should be extended

to only those petitioners who had filed petitions before 31.8.2005, challenging the scaling method or whether the benefit should be extended to all candidates who had filed writ petition before 31.8.2005, challenging the recruitment process or their non-selection, on grounds other than scaling.

It may be mentioned that the said 15 non-selected candidates who had filed petitions before 31.8.2005 (without challenging scaling method) have been selected by the Public Service Commission in pursuance of the decision of this Court in Sanjay Singh. But the High Court has not given them posting. The said 15 writ petitioners have also filed an application for clarification.

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We find that the judgment of this Court in Sanjay Singh is clear and there is really no need for any clarification. Firstly, this Court had restricted the benefit of the decision to the petitioners in the cases that were disposed of by the said Judgment dated 9.1.2007. This Court also stated: "This relief will be available only to such of the petitioners who have approached this Court or the High Court by writ petition before 31.8.2005". This would mean that if any writ petition had been filed before 31.8.2005 involving the issue covered by Sanjay Singh and was pending before the Allahabad High Court on 9.1.2007, the High Court ought to have disposed of those writ petitions in the light of the observations of this Court in Sanjay Singh. If in any of those petitions scaling method had not been challenged, it was open to the petitioners therein to raise the ground relating to scaling as an additional ground. In other words all those who had challenged their non-selection or who had challenged the recruitment process on whatever ground, by filing petitions before 31.8.2005 would have been entitled to relief in terms of this Court's judgment in Sanjay Singh. If the public service commission has accordingly given relief to 15 person, there is nothing objectionable in it. Be that as it may. We, therefore, see no reason to issue any further clarification.

I.As. for impleadment/clarifications are disposed of.

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(R.V. Raveendran)

New DelhiJ
Dated:20.2.2009 (J.M. Panchal)

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ITEM NO.1 COURT NO.8 SECTION X

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA 15-23/2009 in WRIT PETITION (CIVIL) NO(s). 165 OF 2005

SANJAY SINGH & ANR. Petitioner(s)

VERSUS

U.P. PUBLIC SERVICE COM.,ALLAHABAD &ANR Respondent(s)

(With appln(s) for clarification of court's order and office report))

Date: 20/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Ejaz Maqbool,Adv.

Mr. P.N. Gupta
Mr. Debasis Misra
Mr. K.L. Janjani
Mr. Jatin Zaveri

For Respondent(s) Mr. Shail Kumar Dwivedi,Adv.

Mr. Ashok K. Srivastava ,Adv
Mr. Ashok Kumar Sharma ,Adv
Dr. Nafis A. Siddiqui ,Adv
Mr. Shrish Kumar Misra ,Adv
Mr. Debasis Misra ,Adv
Mr. Anish Kumar Gupta ,Adv
Mr. Rajeev Kumar Bansal ,Adv
Mr. Aftab Ali Khan ,Adv

UPON hearing counsel the Court made the following
ORDER

IAs. for impleadment/clarifications are disposed of.

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(ANAND SINGH)
ASSITANT REGISTRAR

(SUSHMA BATRA)
SR. P.A.

(signed order is placed on the file)