

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4494 OF 2006

WITH

INTERLOCUTORY APPLICATION NO.7
(Application for impleadment)
AND

INTERLOCUTORY APPLICATION NO.8
(Application for intervention)

STATE OF UTTARANCHAL

APPELLANT(S)

VERSUS

SANDEEP KUMAR SINGH & ORS.

RESPONDENT(S)

O R D E R

Applications (I.A. Nos. 7 and 8) for impleadment
and intervention are dismissed.

2. It is not necessary to answer the reference in
the present case in view of the peculiar facts and
circumstances, particularly, Office Order dated 3rd
July, 2003 and the reasons given by the High Court in
paragraph 4 of the impugned order, which reads as
under :-

Signature Not Verified

Digitally signed by

NEETU KHAJURIA
Date: 2014.08.09
13:34:14 IST

"4. The impugned order suffers from

illegality as the appointing authority of

Reason:

the petitioner is the University and the
University has acted at the dictate of the
State Government which has no power to ask
for cancellation of an appointment made in

Civil Appeal No.4494 of 2006

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accordance with the advertisement. It is
adhesion of power by the appointing
authority and to act at the dictate of the
Government without applying its mind. Such
order cannot be sustained in the eyes of
law."

3. The impugned order of the High Court does not
appear to us to be legally flawed.

4. Civil appeal is dismissed. Question of law is
kept open.

5. No costs.

.....CJI.
(R.M. LODHA)

.....J.
(MADAN B. LOKUR)

NEW DELHI;
AUGUST 06, 2014
Civil Appeal No.4494 of 2006

.....J.
(KURIAN JOSEPH)
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ITEM NO.102

COURT NO.1

SECTION X

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. 4494 OF 2006

STATE OF UTTARANCHAL

Appellant(s)

VERSUS

SANDEEP KUMAR SINGH & ORS.

Respondent(s)

(With Office Report)

WITH

C.A. No. 10829-10830 of 2010
(With office report)

SLP(C) No. 9845-9847 of 2008
(With office report)

SLP(C) No. 7854 of 2009
(With appln.(s) for permission to file lengthy list of dates and exemption from filing O.T. and directions and exemption from filing O.T. and permission to file additional documents and exemption from filing O.T. and Interim Relief and Office Report)

CONMT.PET.(C) No. 200-266 of 2009 In SLP(C) No. 7934-8000 of 2009
(With office report)

SLP(C) No. 7934-8000 of 2009
(With appln.(s) for de-tagging and exemption from filing O.T. and permission to file additional documents and exemption from filing O.T. and intervention and Interim Relief and Office Report)

SLP(C) No. 8763-8764 of 2009
(With appln.(s) for urging addl. grounds and Interim Relief and Office Report)

SLP(C) No. 5962 of 2010
(With appln.(s) for Interim Relief and Office Report)

SLP(C) No. 30557 of 2010
(With appln.(s) for Interim Relief and Office Report)
Civil Appeal No.4494 of 2006 4

C.A. No. 8802 of 2012
(With office report)

C.A. No. 1085 of 2013
(With office report)

C.A. No. 1086 of 2013

(With office report)

SLP(C) No. 33238 of 2011

(With appln.(s) for Interim Relief and Office Report)

SLP(C) No. 33870-33871 of 2011

(With appln.(s) for Interim Relief and Office Report)

T.P.(C) No. 862 of 2012

(With appln.(s) for permission to file additional documents and Office Report)

Date : 06/08/2014 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s)

CA 4494/2010

Mr. Vijay Hansaria, Sr. Adv.
Mr. U.K. Uniyal, AG Uttarakhand
Mr. Jatinder Kumar Bhatia, Adv.
Mr. Mukesh Verma, Adv.

CA 10829/2010

Ms. V. Mohana, Adv.

SLP 9845/2008

Mr. Colin Gonsalves, Sr. Adv.
Mr. Divya Jyoti Jaipurair, Adv.
Ms. Jyoti Mendiratta, Adv.

SLP 7854/2009

Dr. Krishan Singh Chauhan, Adv.

Cont.Ptn.200/2009 in
SLP 7934-8000/2009

Mr. M. Vijaya Bhaskar, Adv.

SLP 7934/2009

Mr. Gopal Jain, Sr. Adv.
Mr. Devashish Bharuka, Adv.
Mr. Ravi Bharuka, Adv.

Civil Appeal No.4494 of 2006

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SLP 8763/2009

Mr. Akhilesh Kumar Pandey, Adv.

SLP 5962/2010

Mr. R. Venkat Ramani, Sr. Adv.
Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.
Ms. Neelam Singh, Adv.
Mr. Sameer Singh, Adv.

SLP 30557/2010

Mr. Sudhanshu S. Choudhari, Adv.

CA 8802/2012

Mr. Abhinav Mukerji, Adv.
Ms. Shreya Bhandari, Adv.

CA 1085/2013

Mr. D.N. Goburdhan, Adv.
Mr. Prabal Bagchi, Adv.

CA 1086/2013

Mr. D.N. Goburdhan, Adv.
Mr. Prabal Bagchi, Adv.

SLP 33238/2011

Mr. Aruneshwar Gupta, Adv.

Mr. Bijan Kumar Ghosh, Adv.

Ms. Lalita Kaushik, Adv.

SLP 33870/2011

Dr. Krishan Singh Chauhan, Adv.

TP(C) 862/2012

Mr. Rajdeep Banerjee, Adv.
Ms. Joyeeta Banerjee, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s)/
Impleader(s)/
Intervener(s)
CA 4494/2006
R.No.10

Mr. Mukul Rohatgi,
Attorney General For India
Ms. Sadhana Sandhu, Adv.
Mr. D.S. Mahra, Adv.

R.Nos.5,7-9

Dr. Krishan Singh Chauhan, Adv.
Mr. Ajit Kumar Ekka, Adv.
Mr. Ravi Praksah, Adv.
Mr. Chand Kiran, Adv.
Mr. Murari Lal, Adv.

Civil Appeal No.4494 of 2006

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R.Nos.2&3

Mr. Manoj Swarup, Adv.
Mr. Ajay Kumar, Adv.
Mr. Kamal Mohan Gupta, Adv.
Mr. Karan Kapoor, Adv.

I.A.No.8-9

Dr. M.P. Raju, Adv.
Mr. James P. Thomas, Adv.
Mr. Maneesh, Adv.
Mr. P. George Giri, Adv.

I.A.7

Mrs Lalita Kaushik, Adv.

R.Nos.1,4&6

Ms. Anagha S. Desai, Adv.

CA 10829/2010

Mr. R. Venkat Ramani, Sr. Adv.
Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.
Ms. Neelam Singh, Adv.
Mr. Sameer Singh, Adv.

SLP 9845/2008

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

SLP 7854/2009

Mr. Gopal Singh, Adv.

SLP 7934/2009

Mr. Amit Pawan, Adv.

Mr. Gopal Singh, Adv.

Mr. Vishnu Sharma, Adv.

SLP 8763/2009

Mr. Gopal Singh, Adv.

SLP 5962/2010

Mr. Sumit Kumar, Adv.

SLP 30557/2010

Mr. Gaurav Agrawal, Adv.

CA 8802/2012

Mr. Pradeep Kumar, Adv.
Mr. Bankey Bihari Sharma, Adv.

Mr. Praneet Ranjan, Adv.

Mr. Suresh Chandra Tripathy, Adv.

CA 1085/2013

Mr. Pradeep Kumar, Adv.
Mr. Bankey Bihari Sharma, Adv.

Civil Appeal No.4494 of 2006

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Mr. Praneet Ranjan, Adv.

Mr. Suresh Chandra Tripathy, Adv.

CA 1086/2013

Mr. Annam D.N. Rao, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Vaishali Ra, Adv.
Ms. Neelam Jain, Adv.

Mr. D.S. Mahra, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Ms. Binu Tamta, Adv.
Mr. Dhruv Mehta, Adv.

SLP 33238/2011

Mr. B.V. Balaram Das, Adv.

Mr. P. Parmeswaran, Adv.

SLP 33870/2011

Mr. B.V. Balaram Das, Adv.

Mr. P. Parmeswaran, Adv.

TP(C) 862/2012

Mr. D.S. Mahra, Adv.

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

Applications (I.A. Nos. 7 and 8) for impleadment and intervention in Civil Appeal No.4494 of 2006 are dismissed

Civil Appeal No.4494 of 2006 is dismissed in terms of the signed order.

Arguments heard-in-part in Civil Appeal No.10829 of 2010.

List this group of matters on August 7, 2014.

(Neetu Khajuria)
Sr.P.A.

(Renu Diwan)
Court Master

(Signed order is placed on the file.)