

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). 7742 OF 2002

PREM PRAKASH SRIVASTAVA & ORS.

Appellant (s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for permission to withdraw vakalatnama on behalf of proforma respondent No.3 and exemption from filing O.t. and with prayer for interim relief and office report)

WITH C.A. NO.7743 OF 2002
(With Office Report)

Date: 11/11/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. P.N. Mishra, Sr.Adv.
Mr. Vibhakar Mishra, adv.
Mr. Abhisth Kumar, Adv.

Mr. Dinesh Kumar Garg, Adv.
Ms. Ritu Puri, Adv.
Mr. Abhishek Garg, Adv.

For Respondent(s)

Mr. Shail Kumar Dwivedi, Adv.
Mr. Ashutosh Kumar Sharma, Adv.
Ms. Niranjana Singh, Adv.
Ms. Vandana Mishra, Adv.

Mrs. Rachana Joshi Issar ,Adv

Mr. Abhisth Kumar, Adv.

Mr. A.S. Pundir, Adv.

UPON hearing counsel the Court made the following

O R D E R

These appeals are dismissed in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Renuka Sadana)
Court Master

(Signed order is placed on the file)s

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7742 OF 2002

PREM PRAKASH SRIVASTAVA & ORS.

Appellant(s)

Versus

STATE OF U.P. & ORS.

Respondent(s)

W I T H

CIVIL APPEAL NO.7743 OF 2002

O R D E R

The Interlocutory Application No. 2 for permission to withdraw the vakalatnama and Memo of appearance filed by Ms. Rachna Joshi Issar, learned counsel for proforma respondent No.3 is allowed.

The dispute in the instant appeals relates to selection and appointment for the post of Homeopathic Medical Officers that had taken place in the year 1999. The procedure of selection was challenged on various grounds in the Writ Petition filed by the appellants. The High Court dismissed the Writ Petition.

In these appeals the appellants have not chosen to implead the selected candidates. In the circumstances, it would not be possible to interfere with the selections and appointments already made and no relief could be granted to the appellants in the

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absence of the selected candidates who are not only proper but necessary parties to this proceedings. It is not possible to grant any relief and consider the matter on merits. The appeals shall accordingly, stand dismissed.

However, the question of law raised in these appeals is left open for its consideration in an appropriate case.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(SURINDER SINGH NIJJAR)

New Delhi,
November 11, 2010