

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6311 OF 2014

(Arising out of SLP(Civil) No.19029 of 2012)

Vidya Bhushan .. Appellant(s)

Versus

State of Jharkhand & Ors. .. Respondent(s)

WITH

CIVIL APPEAL NO.6312/2014 @ SLP(C)No.18993/2012

CIVIL APPEAL NOS.6313-17/2014 @ SLP(C)No.21511-21515/12

CIVIL APPEAL NOS.6319-20/2014 @ SLP(C)No.24165-24166/12

CIVIL APPEAL NO.6318/2014 @ SLP(C)No.24487/2012

CIVIL APPEAL NO.6321/2014 @ SLP(C)No.24736/2012

CIVIL APPEAL NO.6322/2014 @ SLP(C)No.25672/2012

CIVIL APPEAL NO.6323./2014 @ SLP(C)No.25674/2012

O R D E R

Leave granted in all these matters.

Heard learned counsel appearing for the appellants.

In this batch of appeals the assail is to the judgment dated 14.06.2012 passed in W.P.(PIL) No.3594 of 2011 along with LPA No.254 of 2011 and other connected LPAs. The High Court taking note of facts and circumstances of the case has directed for C.B.I. investigation. We have been apprised by Mr. Shekhar learned senior counsel for C.B.I. that the investigation is in progress. In the course of hearing, learned counsel

for the appellants fundamentally challenged the latter part of the direction which finds place in paragraph 62 of the impugned judgment. For the sake of completeness we reproduce paragraph 62 which reads as follows:

"After carefully considering the entire facts and circumstances of the case, we are of the opinion that as several selection processes including this one, has been handed over to CBI, instead of declaring this selection process void at this stage, we are inclined to order that the candidates selected in the 2nd Combined Civil Services Examination held pursuant to Advertisement No.07 of 2005 will not be allowed to work and draw their salary till further orders of this Court."

Be it stated, while issuing notice on 7th August, 2012 this Court had passed the following order.

"By our order dated 1.8.2012, while granting three weeks' time to the respondents to file the reply, we had directed the matter to be listed today for consideration of interim relief.

We have heard learned counsel for the parties on the prayer for interim relief and we direct that para 62 of the impugned order of the High Court insofar as it directs that the candidates selected in the 2nd Combined Civil Services Examination held pursuant to work and draw their salary, shall remain stayed.

The matters will now be listed before the Court after the reply is filed by the respondents within the period of three weeks as directed earlier.

IA.Nos.16, 17, 18, 19, & 20 which have been filed by the candidates who have been selected in the aforesaid Civil Services Examination and who are working and are affected by the impugned order of the High Court are allowed and the applicants of the IAs

will be heard through their counsel as and when the matter is taken up for hearing."

In pursuance of the aforesaid order certain employees had been employed and are working presently. The Division Bench of the High Court wherein direction has been given for CBI investigation is monitoring the same. The High Court may do the needful in the matter as per law and we are inclined to set aside the direction pertaining to investigation by the CBI. Regard being had to the interim order passed we are inclined to direct that the direction passed by the Division Bench to the effect that the candidates selected in 2nd Combined Civil Services Examination held pursuant to Advertisement No.07 of 2005 would not be allowed to work and draw their salary till further orders of this Court is set aside. However, we may hasten to add that the persons who are working presently shall continue till the High Court finally decides the lis. Needless to emphasise, while deciding the controversy the High Court shall be guided by the decisions of this Court and the concept of service jurisprudence.

The appeals are disposed of in the above terms.

There shall be no order as to costs.

.....J.

[DIPAK MISRA]

.....J.

[V.GOPALA GOWDA]

NEW DELHI,
July 11, 2014.

ITEM NO.210

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19029/2012

(Arising out of impugned final judgment and order dated 14/06/2012 in LPA No. 254/2011 passed by the High Court Of Jharkhand At Ranchi)

VIDYA BHUSHAN

Petitioner(s)

VERSUS

STATE OF JHARKHAND & ORS.

Respondent(s)

(with appln.) for exemption from filing OT and prayer for interim relief and office report) (For final disposal)

WITH

SLP(C) No. 18993/2012

(With prayer for exemption from filing OT and impleadment and permission to bring on record subsequent event and additional documents and raising addl. Grounds and prayer for Interim Relief and Office Report)

SLP(C) No. 21511-21515/2012

(With prayer for and exemption from filing OT and and exemption from filing c/c of the impugned order and permission to file additional documents and with prayer for Interim Relief and Office Report)

SLP(C) No. 24165-24166/2012

(With prayer for and permission to file additional documents and and exemption from filing OT and Prayer for Interim Relief and Office Report)

SLP(C) No. 24487/2012

(With prayer for and permission to file additional documents and and exemption from filing OT and Office Report)

SLP(C) No. 24736/2012

(With prayer for and permission to file additional documents and and exemption from filing OT and Prayer for Interim Relief and Office Report)

SLP(C) No. 25672/2012

(With prayer for Office Report)

SLP(C) No. 25674/2012

(With prayer for and permission to file additional documents and
and exemption from filing OT and Prayer for Interim Relief and
Office Report) ...2/-

:2:

Date : 11/07/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s)

Mr. A. Sharan, Sr.Adv.
Mr. Amit Kumar ,Adv.

Mr. Venkita Subramoniam T. R. ,Adv.

Mr. Rakesh Kumar Singh, Adv.
Mr. Rituraj Choudhary, Adv.
Mr. Bijan Kumar Ghosh ,Adv.

Mr. Shantanu Sagar, Adv.
Ms. Prerna Singh, Adv.
Mr. Aakash Kumar, Adv.
Mr. T. Mahipal ,Adv.

Dr. M.V. Chandra, Adv.
Mr. Prem Prakash ,Adv.

Mr. Vinay Navare, Adv.
Mr. Satyajeet Kumar, Adv.
Mr. Keshav Ranjan, Adv.
Ms. Abha R. Sharma ,Adv.

Mr. Mohit Kumar Shah ,Adv.
Ms. Shilpi Shah, Adv.

Mr. M. C. Dhingra ,Adv.

For Respondent(s)

Mr. Himanshu Shekhar ,Adv.

Mr. Sunil Kumar, Sr.Adv.
Mr. Jayesh Gaurav, Adv.
Mr. Amresndra Kr. Choubey, Adv.
Mr. Krishnanand Pandeya ,Adv.

Mr. Niraml Kumar Ambastha, Adv.
Mr. Nirnimesh Dube ,Adv.

Mr. Prakash Kumar, Adv.

Ms. Tatini Basu, Adv.
Mr. Pankaj Pathak, Adv

Mr. Himanshu Shekhar, Adv

Mr. V. Shekhar, Sr.Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Richa Sharma, Adv.
Ms. Anil Katiyar, Adv.

Mr. Arvind Kumar Sharma ,Adv.

Mr. Jayesh Gaurav, Adv.
Mr. Gopal Prasad, Adv.

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

Impleadment allowed.

Leave granted.

The appeals are disposed of with no order as to costs.

(USHA BHARDWAJ)
AR-CUM-PS

(RENUKA SADANA)
(COURT MASTER)

Signed order is placed on the file.