

ITEM NO.7

COURT NO.1

SECTION XI

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

Civil Appeal No(s). 1867/2006

MALIK MAZHAR SULTAN AND ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS Respondent(s)  
(With appln. for c/delay in filing affidavit and clarification  
of Court's order and c/delay in filing appeal and directions  
and exemption from filing O.T. and impleadment and intervention  
and may refer to remarks and permission to file additional  
documents and permission to implead the name of applicant and  
office report) (I.A. Nos. 130,131,132, 133 in IA 129 and IA 134  
in IA 127)

WITH

W.P.(C) No. 403/2014  
(With Office Report)

Date : 26/02/2015 This appeal/petition were called  
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ARUN MISHRA

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Charanjeet Kaur  
Date: 2015.02.28  
13:57:16 IST

Mr. D. Mahesh Babu, Adv.

Reason:

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H.C. Bombay Mr. A.P. Mayee, Adv.  
Ms. Charudatta Mahindrakar, Adv.  
Mr. A. Selvin Raja, Adv.

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

I.A. No. 130 of 2014

The prayers made in I.A. No. 130 of 2014 read  
as under :

"A. Grant permission to the applicant/High Court of H.P. to initiate the selection process second time during this year in respect of existing and anticipated vacancies in the cadre of District/ Additional District Judges and Civil Judges (Junior Division) in the State of Himachal Pradesh in deviation of the time schedule so prescribed by this Hon'ble Court vide orders dated 04.01.2007;

B. Grant permission to initiate the selection process, twice in a year, in each cadre of the Himachal Pradesh Judicial Service as per proposed time schedule annexed with the application, subject to the availability of vacancies and to make amendments in the H.P. Judicial Service Rules, 2004 accordingly.

....."

Shri Vijay Hansaria, learned Amicus Curiae would state that he has no objection for grant of such prayers and he would state that in fact that this would facilitate the High Court to conduct the examination for District/Addl. District and Civil

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Judges (Junior Division) in a better way.

In view of the above, we allow I.A. No. 130 of 2014.

I.A. No. 131 of 2015

Learned counsel for the applicant, on instructions, seeks permission of this Court to withdraw this application with liberty to file fresh application.

Permission sought for is granted.

I.A. No. 131 of 2015 is disposed of as withdrawn with liberty to the applicant to file fresh application.

I.A. No. 132 of 2015

Application for impleadment as party respondent is allowed.

I.A. No. 134 of 2015

Prayers made in this application read as under :

(i) Clarify whether the High Court can go ahead with the process of transfer of judicial officers under the control of the High Court of judicature at Hyderabad for the States of Telangana and Andhra Pradesh;

(ii) Clarify whether promotion of

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judicial officers to higher posts i.e. Civil Judge (Jr. Grade) to Civil Judge

(Sr. Grade) and Civil Judge (sr. Grade) to District Judge can be taken up as a part of recruitment process;

(iii) Direct the Government of Telangana, Government of Andhra Pradesh and Central Government for issuing necessary orders in this regard; and

....."

Shri Vijay Hansaria, learned Amicus Curiae would submit that he has no objection for grant of such prayers. Accordingly, I.A. No. 134 is allowed.

I.A. No. 133 of 2015

In view of order passed in I.A. No. 134, I.A. No. 133 does not survive for our consideration and is disposed of accordingly.

[ Charanjeet Kaur ]  
Court Master

[ Vinod Kulvi ]  
Asstt. Registrar