

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. 1867 OF 2006

MALIK MAZHAR SULTAN AND ANR. Appellant (s)
VERSUS Respondent(s)
U.P. PUBLIC SERVICE COMMISSION & ORS
(With appln. for directions on behalf of Govt. of Mizoram and impleadment and clarification/modification of order dated 3.12.2010 and exemption from filing O.T. and office report)
[REGARDING STATES OF ANDHRA PRADESH, UTTAR PRADESH, ORISSA JHARKHAND AND BIHAR]

Date: 27/11/2012 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

Mr. Vijay Hansaria, Sr. Adv. (A.C.)
(Not Present)

Ms. Sneha Kalita, Adv.

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

For Respondent(s) Mr. G.N. Reddy, Adv.
State of A.P. Mr. M. Rambabu, Adv.
Mr. S Nagarajan, Adv.

A.P. High Court Mr. T.V. Ratnam, Adv.
Mr. Munawwar Naseem, Adv.
Allahabad HC Mr. Ashok K. Srivastava, Adv.

State of UP Mr. Irshad Ahmad, AAG
Mr. M.R. Shamshad, Adv.
Mr. Mukesh Verma, Adv.
Mr. Ashutosh Kr. Sharma, adv.
Mr. Kamalendra Mishra, Adv.

State of Bihar Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

High Court of Patna Mr. Pravin H Parekh, Sr. Adv.
Mr. Sumit Goel, Adv.
Mr. Kumar Shashank, Adv.

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For B.P.S.C. Mr. Navin Prakash, Adv.

State of Orissa Mr. R.S. Jena, Adv.

Orissa High Court Mr. Sibor Sankar Mishra, Adv.

State of Jharkhand Mr. Anil Kumar Jha, Adv.
Ms. Priyanka, Adv.

Jharkhand High Court Mr. Krishnanand Pandey, Adv.

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

Re : State of Orissa

Pursuant to our order dated 22nd November, 2012, Mr. U.N. Behera, Principal Secretary (Home) State of Orissa and Mr. J.P. Das, Registrar General of the High Court of Orissa are present in Court. A fresh Status report in respect of infrastructure facilities for the subordinate Courts in the State is filed on behalf of the High Court.

It appears from the said affidavit that proposal for setting up of new Sessions Divisions was taken up by the High Court with the State Government as far back as in the year, 2011. A year-wise break up of the funds proposed to be spent on the construction of the

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new District Court Complexes is also annexed with the status report.

While acknowledging that the proposal for providing infrastructure for establishment of the new Sessions Divisions, along with the site plans for the Court buildings as also the residential complexes have been received by the State Government, Mr. Behera points out that the proposal submitted by the High Court is under active consideration and in fact the State Government has requested the Central Government for additional funds of approximately Rs. 180 crores under the Centrally Sponsored Plan Schemes, for being used for the said purpose.

The explanation furnished by the State is far from satisfactory. Time and again this court has emphasized that construction of Court buildings and houses for the judicial officers has to be given top priority and does not brook any delay. Despite it all, infrastructural problems still persist on a large scale. Under the circumstances, we are constrained to direct the Registrar General and the Principal Secretary (Home) to have a joint meeting with the Hon'ble Chief Minister, who is stated to be in-charge

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of the Home Department, responsible for providing infrastructure to the judiciary in the State.

Call the matter for further directions on 6th December, 2012 at 2.00 p.m., by which time some concrete time bound proposals on the issue, viz. construction/provision for court rooms etc. in the newly created Sessions Divisions, with the approval of the concerned competent authority, on line with the discussions we have had during the course of hearing, shall be placed before us. We request both, the Principal Secretary (Home) and the Registrar General to remain present in Court on the next date to assist us in making appropriate orders in the matter.

Re: State of Andhra Pradesh

Pursuant to our order dated 21st November, 2012, Ms. P. Masthanamma, Registrar General as also Mr. Vijay Kumar, Registrar

(Rectt.) of the High Court are present in Court in person. Ms. P.Masthanamma states that in the quota of promotees in the cadre of District Judge, 33 vacancies were notified on 22nd March, 2012 out of which 28 Civil Judges (Sr. Division) were selected and recommended to the State Government on 9th

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October, 2012 for issue of formal appointment letters. She states that so far there has been no response from the State Government.

Learned counsel appearing for the State is not in a position to apprise us of the reasons for delay in issue of appointment letters. Under the circumstances, we are constrained to direct the State Government to issue appointment letters in respect of 28 candidates, recommended by the High Court for promotion as expeditiously as possible, but certainly before 5th December, 2012, failing which the Chief Secretary of the State shall remain present in court in person on 6th December, 2012 at 2.00 p.m. along with the relevant records, to assist us in making appropriate orders in the case.

As regards filling up of vacancies in the cadre of Civil Judge (Jr. Division) it is stated that on 24.4.2012 68 candidates were recommended for appointment to the State Government, but appointment letters are yet to be issued.

In response, learned counsel appearing for the State points out that though police verification in respect of two candidates is still awaited, the State

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is willing to issue appointment letters in respect of the remaining 66 candidates. Let the letters of appointment be issued expeditiously. We, however, clarify that delay in appointment of the two candidates on account of police verification shall not affect their inter-se seniority qua the candidates selected in the same recruitment process. The process of verification and issue of appointment letters to the two remaining selected candidates shall be got completed within two weeks.

Re: State of Bihar

Pursuant to our order dated 21st November, 2012 Mr. Birendra Kumar, Registrar General, Patna High court is present in court in person. He states that insofar as the filling up of vacancies in the cadre of District Judge, falling to the quota of direct recruits is concerned, pursuant to advertisement dated 31st March, 2012, 6435 applications were received, which have been forwarded by the State Government to the High Court for further processing. He points out that a Committee of Judges headed by Hon'ble Mr. Justice V.N.Sinha is likely to meet shortly when the dates for holding written

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examination, interviews etc. shall be finalized.

In light of the submission, call the case on 11th December, 2012 at 2.00 p.m. when the Registrar General shall apprise us of the decisions taken by the Committee. However, we

expect and hope that by the next date, scrutiny of the applications received by the High Court shall be completed.

As regards filling up of 217 vacancies in the cadre of Civil Judge (Jr. Division), it is stated that the process for recruitment in the said cadre is almost complete inasmuch as the interviews which commenced on 30th October, 2012 are to conclude on 29th November, 2012. We are confident that before the next date of hearing the result of the selected candidates shall be announced. It is also pointed out that the recruitment process for the remaining 118 vacancies in the said cadre has already been commenced.

Re: State of U.P.

Pursuant to order dated 21st November, 2012 Mr. Anant Kumar, Registrar General along with Mr. Shamsher Chandra Tripathi, O.S.D., Allahabad High

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Court are present in Court in person. They shall remain present in court on the next date of hearing as well.

List on 11th December, 2012 at 2.00 p.m.

Re : State of Jharkhand

List on 11th December, 2012 at 2.00 p.m.

| [Charanjeet Kaur] | [Kusum Gulati] |
| Court Master | | Court Master |