

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

U.P. PUBLIC SERVICE COMMISSION & ORS

Respondent(s)

(With appln(s) for directions and intervention and exemption from filing O.T.)

[Regarding States of Uttar Pradesh, Jharkhand, Karnataka, West Bengal and Andhra Pradesh Vide Order dated 18.8.2011]

Date: 29/09/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s)

Mr. Vijay Hansaria, Sr. Adv. (AC)
Ms. Sneha Kalita, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Debasis Misra ,Adv

Mr. T.N. Rao ,Adv

For Respondent(s)

Mr. Lakshmi Raman Singh, Adv.

State of
Chhattisgarh

Mr. Dharmendra Kumar Sinha, Adv.

Intervener

Mr. Ranjan Dwivedi, Adv.

State of W.B.

Mr. Chanchal Kr. Ganguli, Adv.
Mr. Avijit Sengupta, Adv.
Mr. Abhijit Sengupta, Adv.
Mr. Tara Chandra Sharma, Adv.
Mr. B.P. Yadav, Adv.

State of A.P.

Mr. G.N. Reddy, Adv.
Mr. C. Kanan, Adv.
Mr. Ravi Shankar, Adv.

...2/-

:2:

State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.
Mr. Ritu Raj Biswas, Adv.

Mr. Nishe Rajen Shonker, Adv.

Mr. Amit Kumar, Adv.

Mr. Shankar Divate, Adv.

State of Jharkhand Mr. Anil Kr. Jha, Adv.
Mr. S.K. Divakar, Adv.
Ms. Chhaya Kumar, Adv.

Jharkhand HC Mr. Krishnanand Pandey ,Adv

State of Goa Ms. A.Subhashini ,Adv

Allahabad HC Mr. Ashok K. Srivastava ,Adv
Mr. Arun K. Sinha ,Adv

HC of P & H Ms. Asha Jain Madan ,Adv
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Mr. Ashok Mathur ,Adv
Mr. Anis Suhrawardy ,Adv
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Ms. Binu Tamta ,Adv
Mr. Dharam Bir Raj Vohra ,Adv

Calcutta HC Mr. Raja Chatterjee, Adv.
Mr. G.S. Chatterjee ,Adv

NCT of Delhi Mr. S. Wasim A. Qadri, Adv.
Ms. Rekha Pandey, Adv.
Mr. Zaid Ali, Adv.
Mrs. Anil Katiyar, Adv.

State of Bihar/
Tripura Mr. Gopal Singh ,Adv

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:3:

State of Nagaland Mr. Edward Belho, Adv.
Mr. K. Enatoli Sema, Adv.
Mr. Rokokieno Mor, Adv.
Ms. Hemantika Wahi ,Adv
Ms. Jesal, Adv.

HC of Orissa Mr. Sibho Sankar Mishra,Adv
Mr. A. Pathak, Adv.
Mr. K.K. Mohan ,Adv

Chandigarh Ms. Kamini Jaiswal, Adv. (N/P)
Mr. Naresh K. Sharma ,Adv
Mr. Naresh Kumar, Adv.
Mr. Pradeep Misra ,Adv

Mizoram Mr. K.N. Madhusoodhanan, Adv.
Mr. R. Sathish ,Adv

State of Mizoram Mr. Parag P. Tripathi, ASG
Mr. Pragyan P. Sharma, Adv.
Ms. Mandakini Sharma, Adv.
Mr. Rupesh Gupta, Adv.
Mr. Abhishek Choudhary, Adv.
Mr. P.V. Yogeswaran ,Adv

Mr. S.C. Patel ,Adv

Mr. Sunil Kumar Jain ,Adv

Kerala HC Mr. T.G. Narayanan Nair ,Adv

State of Kerala Ms. Liz Mathew, Adv.
Ms. Sana Khan, Adv.
Mr. G. Prakash ,Adv

Mr. T.V. Ratnam ,Adv
Mr. Ugra Shankar Prasad ,Adv

State of Sikkim Mrs. Aruna Mathur, Adv.
for M/S Arputham, Aruna & Co.

...4/-

:4:

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State of Meghalaya Mr. Ranjan Mukherjee ,Adv
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.

Ms. S. Janani ,Adv

State of Puducherry Mr. V.G. Pragasam ,Adv
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

Mr. Ashok Kumar Singh ,Adv

Mrs.D. Bharathi Reddy ,Adv

State of M.P. Mr. B.S. Banthia ,Adv

State of Manipur Mr. Khawairakpam Nobin Singh, Adv

Mr. Radha Shyam Jena ,Adv

State of Karnataka Mr. Sanjay R. Hegde, Adv.(N/P)

Gauhati HC Mr. P.I. Jose ,Adv
Mr. Harikumar V. Adv.

Mr. Y. Raja Gopala Rao ,Adv

Mr. Shail Kumar Dwivedi ,Adv

State of T.N.
HC of Madras

Mr. T. Harish Kumar, Adv.
Mr. R. Nedumaran ,Adv

State of Haryana

Mr. Vikas Sharma, Adv.
Mr. Anil Anthil, Adv.
Mr. Kamal Mohan Gupta ,Adv

Mr. V.N. Raghupathy, Adv. (N/P)

State of H.P.

Mr. Himinder Lal, Adv.

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:5:

State of
Uttarakhand

Ms. Rachana Srivastava ,Adv

State of Assam

Mr. Navnit Kumar, Adv.
for M/s Corporate Law Group

Mr. Ashwani Kumar ,Adv.

Mr. Rajesh Srivastava ,Adv

Mr. C.D. Singh ,Adv

Mr. Jatinder Kumar Bhatia ,Adv

State of U.P.

Mr. Ameet singh, Adv.
Mr. Kamendra Mishra ,Adv
Mr. Mukul Singh, Adv.
Mr. Shrish Kumar Misra ,Adv

HC of Patna

for M/S. Parekh & Co.(N/P)

Mr. T. Mahipal ,Adv

Ms. Sumita Hazarika ,Adv

HC OF Bombay

Mr. Aniruddha P. Mayee ,Adv

Mr. Siddhartha Chowdhury ,Adv

HC of Sikkim

Mr. Vishnu Sharma ,Adv

Mr.T.V.George ,Adv

Mr.Prakash Kumar Singh ,Adv
Mr.Sunil Kumar Verma ,Adv

Mr. Anuvrat Sharma ,Adv

Mr. Balaji Srinivasan ,Adv

State of Rajasthan

Dr. Manish Singhvi, Addl. AG
Mr. Milind Kumar ,Adv

State of Punjab Mr. Anil Grover, AAG
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 Mr. K.K. Kota, Adv.

 Ms. T. Kanaka Durga, Adv.

 Mr. Navin Prakash, Adv.

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

Re: Mizoram
I.A. NO.113 OF 2011 in C.A.NO. 1867/2006

The Government of Mizoram has filed this application for directions and stay of recruitments for the post of Civil Judge Junior Division.

Learned counsel appearing for the High Court of Gauhati prays for some time to seek instructions on the application. He, however,

states that as per his instructions, apparently, there is some error in the determination of total vacancies in the said cadre, particularly in the

anticipated vacancies. Let him do so. It would be appropriate if the correct information in this regard is furnished on an affidavit. It will

also be clarified whether all the vacant posts in the said cadre need to be filled up keeping in view the pendency of cases and the available infrastructure for the courts and the judges. The information so furnished shall be communicated by the High Court to the Public Service Commission as well so that the recruitment pursuant to the Advertisement No.12 of 2010-2011 dated 1st February, 2011, is made accordingly.

...7/-

:7:

Call the application for further orders on 19th October, 2011.

Re: Uttar Pradesh
I.A. No. 109 of 2011 in C.A. No. 1867/2006

Despite sufficient time having been granted to the State, reply to the application has not been file. We grant one final opportunity to the State to do the needful within two weeks from today, failing which, the Chief Secretary of the State shall remain present in

Court in person with the relevant records in order to enable us to make appropriate orders in the application.

List the application on 19th October, 2011.

Re: States of Uttar Pradesh, Jharkhand, Karnataka, West Bengal and Andhra Pradesh

It is pointed out that the names of the States, whose cases are listed today are not mentioned in the cause list and perhaps for that reason counsel for some of these States/High Court are not present. Be that as it may, we feel that the non-mentioning of the name of State in the cause list is no ground for not filing the affidavits in terms of our order dated 18th August, 2011, by the High Courts of Jharkhand, Karnataka and West Bengal. Under the circumstances, we grant one more opportunity to the said States to file affidavits within two weeks from today, failing which the Registrar Generals of said High Courts shall remain present in Court in person along with the relevant information which had been sought by this Court.

...8/-

:8:

Call the cases pertaining to the States of Uttar Pradesh, Andhra Pradesh, Orissa, Jharkhand, Karnataka, West Bengal and Jammu and Kashmir on 3rd November, 2011 at 3.00 p.m.

(VINOD LAKHINA)

Court Master

@ITEM NO.2

(KUSUM GULATI)

Court Master

SECTION XI

COURT NO.5

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

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Uttar Pradesh, Andhra Pradesh, Orissa, Jharkhand,
Karnataka, West Bengal and Jammu and Kashmir on
3rd November, 2011 at 3.00 p.m.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master