

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)
(Witht application for directions and intervention)
[REGARDING STATE OF BIHR, PUNJAB, ANDHRA PRADESH, J & K, ORISSA,
KERALA, HARYANA AND RAJASHTAN]

Date: 28/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s)

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

For Respondent(s)

Mr. Debasis Misra ,Adv
Mr. T.N. Rao, Adv.
Mr. Lakshmi Raman Singh, Adv.

State of
Chhattisgarh

Mr. Dharmendra Kumar Sinha, Adv.

Intervener

Mr. Arvind Kr. Tiwari, Adv.
Mr. Ranjan Dwivedi, Adv.

State of W.B.

Mr. Abhijit Sen Gupta, Adv.
Ms. Ahima Kujur, Adv.
Mr. B.P. Yadav, Adv.

State of A.P.

Mr. G.N. Reddy, Adv.
Mr. C. Kannan, Adv.

State of Arunachal
Pradesh

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

State of Maharathra

Mr. Sanjay Kharde, AAG
Ms. Asha G. Nair, Adv.

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Mr. Nishe Rajen Shonker, Adv.

Mr. Amit Kumar, Adv.

Mr. Shankar Divate, Adv.

State of Jharkhand

Mr. Anil Kr. Jha, Adv.

State of Goa

Ms. A.Subhashini, Adv

Allahabad HC Mr. Ashok K. Srivastava ,Adv
HC of P & H Ms. Asha Jain Madan,Adv
Mr. Ashok Mathur,Adv.
Mr. Anis Suhrawardy ,Adv
Ms. Bina Gupta,Adv.
Ms. Binu Tamta ,Adv
Calcutta HC Mr. G.S. Chatterjee,Adv.
NCT of Delhi Mr. S. Wasim Qadri, Adv.
Ms. Rekha Pandey, Adv.
Mr. Mukesh Verma, Adv.
Mr. Zaid Ali, Adv.
Mrs. Anil Katiyar, Adv.
State of Tripura Mr. Gopal Singh ,Adv
Mr. Rituraj Biswas, Adv.
State of Bihar Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
State of Nagaland Mr. Edward Belho, Adv.
Mr. K. Enatoli Sema, Adv.
Ms. Hemantika Wahi ,Adv
Ms. Suveni Banerjee, Adv.
Mr. Ashwini Kumar, Adv.
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Mr. K.K. Mohan,Adv
Chandigarh Ms. Kamini Jaiswal,Adv
Mr. Naresh K. Sharma,Adv
Mr. Naresh Kumar, Adv.
Mr. Pradeep Misra,Adv.
Mizoram Mr. R. Sathish,Adv
State of Mizoram Mr. P.V. Yogeswaran,Adv
Mr. S.C. Patel,Adv
Mr. Sunil Kumar Jain,Adv.
Kerala HC Mr. K.N. Madhusoodhanan, Adv.
Mr.T.G. Narayanan Nair,Adv.
State of Kerala Mr. G. Prakash,Adv
Mr. T.V. Ratnam, Adv
Mr. Ugra Shankar Prasad,Adv
State of Sikkim Mr. A. Mariarputham, Adv.Gen.
Mrs. Aruna Mathur, Adv.
Mr. Amarjeet Singh Girsra, Adv.

..3/-

: 3 :

M/S Arputham, Aruna & Co.,Adv.

UOI Mr. R. K. Rathore, Adv.
Mr. Sunita Sharma, Adv.
Mr. Aditya Sharma, Adv.
Mr. A. Dev Kumar, Adv.
Mr. H.S. Sachdeva, Adv.
Mr. Shalinder Saini, Adv.
Mr. D.S. Mahra, Adv.

State of Meghalaya Mr. Ranjan Mukherjee,Adv

Ms. S. Janani ,Adv

State of Puducherry Mr. V.G. Pragasaam,Adv.
Mr. S.J. Aristotle, Adv.
Mr. S Praburamasubramaniam, Adv.

Mr. Ashok Kumar Singh,Adv.

Mrs.D. Bharathi Reddy,Adv.

Mr. Krishnanand Pandey,Adv.

State of M.P. Mr. B.S. Banthia,Adv
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Mr. Sapam Biswajit Meitei, Adv.

Mr. Radha Shyam Jena,Adv.

State of Karnataka Mr. Sanjay R. Hegde,Adv

Mr. P.I. Jose ,Adv

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: 4 :

Mr. Y. Raja Gopala Rao,Adv

Mr. Shail Kumar Dwivedi,Adv

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Uttarakhand Ms. Rachana Srivastava,Adv

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Mr. Navnit Kumar, Adv.
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Mr. Ashwani Kumar,Adv.

Mr. Rajesh Srivastava,Adv

Mr. C.D. Singh,Adv

Mr. Jatinder Kumar Bhatia,Adv.

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Mr. Ajay Kumar Jha, Adv.

Ms. Pallavi Srivastava, Adv.
M/S. Parekh & Co., Adv.

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.

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State of Rajasthan

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

State of Punjab

Mr. Anil Grover, AAG
Mr. Ajay Pal, Adv.
Mr. Arun K. Sinha, Adv.

Mr. E.C. Vidyasagar, Adv.

State of J & K

Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, Adv.

DHC

Mr. A.D.N. Rao, Adv.
Ms. Neelam Jain, Adv.

Ms. T. Kanaka Durga, Adv.

Mr. D.B. Vohra, Adv.

State of U.P.

Mr. Ajay Kumar Singh, Adv.
Mr. Shrish Kumar Misra, Adv.

Mr. Bharat Sangal, Adv.

Ms. Vanika Tomar, Adv.

Bihar P.S.C.

Mr. Navin Prakash, Adv.

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

Re: State of Bihar

It appears from affidavit dated 21st July, 2011,
filed by the High Court that there are large number of

vacancies in the subordinate judiciary.

It appears

that the entire process of recruitment for the post of

Civil Judge (Junior Division) is at a stand-still on

account of pendency of C.W.J.C. No. 14677 of 2009.

The other factor which seems to have delayed the recruitment process is the judgment and order dated

11th May, 2011 rendered by the High Court.

We are

informed that the said judgment has been challenged by

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the Bihar Public Service Commission and the special leave petition is stated to be listed on 5th August, 2011.

In light of the said fact-situation, we do not propose to issue any specific direction in this behalf, except to request the High Court to ensure that C.W.J.C. No. 14677 of 2009 is disposed of as expeditiously as possible, preferably within three months from the date of receipt of a copy of this

order. We would also appreciate if the High Court takes up the process of recruitment of District Judges in all the three categories on a war-footing.

The

State of Bihar is also expected to render full cooperation to the High Court in filling up of all the vacancies in the subordinate judiciary expeditiously.

Re: State of Kerala

An affidavit dated 20th June, 2011 has been filed on behalf of the High Court of Kerala.

We regret to

note that despite our orders dated 8th October, 2010 and 28th April, 2011, complete details regarding the sanctioned strength, working strength and vacancy position in the cadre of District Judges have not been furnished in the said affidavit. Let these details be

now furnished by the High Court on an affidavit. The

present status of the process initiated to fill up 35 anticipated vacancies in the cadre of Civil Judge (Junior Division) upto 31st December, 2012 shall also be disclosed in the affidavit.

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Re :State of Rajasthan

Despite our orders dated 27th January, 2011 and 28th April, 2011 complete information in regard to the vacancy position in different cadres of the subordinate judiciary has not been furnished by the High Court. We would once again request the High Court to furnish complete information, on an affidavit, regarding the sanctioned strength, the working strength and the vacancy position in the entire subordinate judiciary and the steps taken by the High Court to fill up these vacancies.

Affidavits in terms of this order shall be filed by the Registrar Generals of the High courts after obtaining appropriate orders from their respective Chief Justices. The requisite information shall be furnished on the pro forma already circulated to all the High Courts vide order dated 24th July, 2008, on or before 16th August, 2011 with advance copy to the learned Amicus Curiae.

List the cases pertaining to the States of Kerala, Rajasthan, Andhra Pradesh, Orissa, J & K and Punjab & Haryana on 18th August, 2011, at 3.00 p.m.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master