

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. 1867/2006

MALIK MAZHAR SULTAN AND ANR.

Petitioner(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION &amp; ORS

Respondent(s)

(With appln(s) for directions and intervention)  
(REGARDING STATE OF TAMIL NADU, ANDHRA PRADESH, CHHATTISGARH,  
KERALA AND RAJASTHAN)

Date: 28/04/2011      This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE H.L. DATTU

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. Atul Jha, Adv.  
Mr. Rajesh Srivastava, Adv.  
Mr. Dharmendra Kumar Sinha, Adv.

Intervener

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

State of W.B.

Mr. Tara Chandra Sharma, Adv.

State of A.P.

Mr. G.N. Reddy, Adv.

State of Arunachal  
Pradesh

Mr. Anil Shrivastav, Adv.  
Mr. Rituraj Biswas, Adv.

Mr. Nishe Rajen Shonker, Adv.

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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  
Mr. Arun K. Sinha ,Adv

HC of P & H Ms. Asha Jain Madan ,Adv  
Mr. Ashok Mathur ,Adv  
Mr. Anis Suhrawardy ,Adv  
Ms. Bina Gupta ,Adv

HC of J & K Mr. Bharat Sangal ,Adv  
Ms. Binu Tamta ,Adv  
Mr. Dharam Bir Raj Vohra ,Adv

NCT of Delhi Ms. Rekha Pandey, Adv.  
Ch. Shamsuddin Khan, Adv.  
Mrs. Anil Katiyar, Adv.

State of Bihar/  
Tripura Mr. Gopal Singh ,Adv  
Mr. Manish Kumar, Adv.  
Mr. Rituraj Biswas, Adv.

State of Nagaland Mr. Edward Belho, Adv.  
Mr. K. Enatoli Sema, Adv.  
Ms. D. Vijaya, Adv.  
Ms. Nimshi, Adv.  
Ms. Hemantika Wahi ,Adv

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

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

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Mr. Pradeep Misra ,Adv

Mizoram Mr. R. Sathish ,Adv

State of Mizoram Mr. Pragyan P. Sharma, Adv.  
Mr. P.V. Yogeswaran ,Adv  
Mr. S.C. Patel ,Adv

Kerala HC Mr. V. Giri, Sr. 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 Mrs. Aruna Mathur, Adv.  
M/S Arputham, Aruna & Co. ,Adv

UOI Mr. R. K. Rathore, Adv.  
Mr. Aditya Sharma, Adv.  
Mr. Sunita Sharma, Adv.  
Mr. H.S. Sachdeva, Adv.  
Mr. D.S. Mahra, Adv.

State of Meghalaya Mr. Ranjan Mukherjee ,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  
Mr. Krishnanand Pandey ,Adv

State of M.P. Mr. B.S. Banthia ,Adv  
State of Manipur Mr. Khawairakpam Nobin Singh ,Adv  
Mr. Sapam Biswajit Meitei, Adv.  
Mr. Radha Shyam Jena ,Adv  
Mr. P.I. Jose ,Adv

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Mr. Y. Raja Gopala Rao ,Adv  
Mr. Shail Kumar Dwivedi ,Adv

State of T.N. Mr. R. Shanmuga Sundaram, Sr. Adv.  
Mr. T. Harish Kumar, Adv.  
Mr. Prasanth P. Adv.  
Mr. V. Vasudevan, Adv.

HC of Madras Mr. R. Nedumaran ,Adv

State of Haryana Mr. Manjit Singh, AAG  
Ms. Vivekta Singh, Adv.  
Mr. Kamal Mohan Gupta ,Adv  
Mr. V.N. Raghupathy ,Adv

State of Uttarakhnad Ms. Rachana Srivastava ,Adv

State of Assam Mr. Navnit Kumar, Adv.  
M/S Corporate Law Group ,Adv.  
Mr. Ashwani Kumar ,Adv.  
Mr. Rajesh Srivastava ,Adv  
Mr. C.D. Singh ,Adv

Mr. Jatinder Kumar Bhatia ,Adv

State of U.P.

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

HC of Patna

Mr. Ajay Kumar Jha, Adv.  
Mr. Rajat Nair, Adv.  
for M/S. Parekh & Co.  
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

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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. Abhinav S. Raghuvanshi, Adv.  
Mr. Milind Kumar ,Adv

Rajasthan HC

Mr. Sunil Kumar Jain, Adv.  
Mr. Sachin Sharma, Adv.

State of Punjab

Mrs. Jayshree Anand, AAG  
Ms. Ekta Singh, Adv.  
Mr. Kuldeep Singh, Adv.  
Mr. Ajay Pal ,Adv

Mr. E.C. Vidyasagar, Adv.

State of J & K

Mr. Sunil Fernandes, Adv.

DHC

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

Ms. T. Kanaka Durga, Adv.

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

Re: State of Tamil Nadu  
In the affidavit, dated 8th April, 2011,

filed by the State, it is stated that G.O. dated  
28th March, 2011 and 5th April, 2011, respectively

notifying the Rules for promotion to the post of  
District Judge under Limited Competitive  
Examination quota and Selection of Civil Judge  
(Junior Division) have been notified. Since as  
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per the earlier affidavit filed by the High Court  
dated 24th January, 2011, 147 vacancies in the  
cadre of Civil Judge (Junior Division) have  
already been notified to the State Government, we  
direct that the Tamil Nadu State Public Service  
Commission shall now take appropriate steps to  
fill up the said vacancies expeditiously,  
preferably within six months from today. The  
High Court shall also take steps for filling up  
the posts of District Judge under the Limited  
Competitive Examination quota.

Re: State of Andhra Pradesh

As per the affidavit filed by the High  
Court, dated 9th March, 2011, written examination  
for filling up the posts of District Judge  
(Direct & Limited Competitive Examination) has  
now been conducted on 6th March, 2011 and  
necessary steps have been taken to get the papers  
evaluated to complete the recruitment process.  
In light of the said affidavit, no further orders  
are called for, except to request the High Court  
to expedite the process of filling up of the  
vacancies in the said cadre of District Judges.

Insofar as the filling up of vacant posts  
of Civil Judge (Junior Division) is concerned, in

...7/-

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the report submitted by the High Court, dated 25th February, 2011, it was stated that no recruitment process was initiated during the year 2010 due to pendency of Special Leave Petition (Civil) Nos.

2872-73 of 2010. Learned counsel appearing for

the High Court prays for some time to ascertain

as to whether any stay against the recruitment

for the posts of Civil Judge (Junior Division)

has been granted in the said Special Leave Petitions.

List on 28th July, 2011 at 3.00 p.m.

Re: State of Chhattisgarh

In light of the affidavit filed by the

State Government, dated 11th February, 2011, no further directions are called for.

Re: State of Kerala

Learned Senior Counsel appearing for the

High Court prays for some time to file an

affidavit furnishing complete up-to-date details

of the steps taken by the High Court in filling

up of the vacancies in all the cadres of

subordinate judiciary. Let the affidavit be

filed within ten weeks.

List on 28th July, 2011 at 3.00 p.m.

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Re: State of Rajasthan

In its reply dated 3rd March, 2011, in I.A.

No. 73, the State of Rajasthan has stated that on

the recommendation of the High Court, 60 posts of

Civil Judge (Senior Division) and 84 posts of

Civil Judge (Junior Division) have been notified

vide orders dated 23rd February, 2011 and 3rd February, 2011 respectively.

However, as regards the filling up of posts of District Judge (Direct), the status report has not been filed either by the High Court or by the State Government.

Learned counsel appearing for the

High Court states that as per his instructions steps are being taken to fill up all the vacant

posts of District Judge (Direct). Let the High Court file an affidavit, detailing the steps

being taken to fill up all the vacant posts in the said cadre, within ten weeks.

List on 28th July, 2011 at 3.00 p.m.

Re: States of Bihar, Punjab & Haryana, Jammu & Kashmir and Orissa

On the next date, the cases of States of

Bihar, Punjab & Haryana, Jammu & Kashmir and Orissa shall also be listed. Necessary

intimation in this behalf shall be sent to the said High Courts as well as the States.

(VINOD LAKHINA)  
Court Master

(KUSUM GULATI)  
Court Master