

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(s). 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)  
[REGARDING STATE OF MADHYA PRADESH, UTTARAKHAND, DELHI VIDE  
ORDER DATED 10.2.2011 AND STATE OF TAMIL NADU VIDE ORDER DATED  
24.02.2011]

WITH

W.P.(C) NO. 46/2007  
(WITH APPLN.(S) FOR DIRECTIONS AND EX-PARTE STAY AND PERMISSION  
TO FILE ADDITIONAL DOCUMENTS AND INTERIM DIRECTIONS AND  
IMPLEADMENT AND OFFICE REPORT)

Date: 10/03/2011      These matters were 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  
  
Ms. Ena, Adv.  
Mr. Edward, Adv.  
Mr. D. Vijaya, Adv.

WC 46/07      Mr. Shankar Divate, 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.

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

State of W.B.      Mr. Bhaskar P. Gupta, Sr. Adv.  
Mr. Tara Chandra Sharma, Adv.

State of A.P.      Mr. G.N. Reddy, Adv.  
Mr. V. Pattabhiram, Adv.

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.  
Ms. Chhaya Kumari, 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

Calcutta HC Mr. Jaidip Gupta, Sr. Adv.  
Mr. Raja Chatterjee, Adv.  
Mr. G.S. Chatterjee ,Adv

NCT of Delhi Mr. Brijender Chahar, Sr. Adv.  
Ms. Rekha Pandey, Adv.  
Mr. Mukesh Verma, Adv.  
Ms. Anil Katiyar, Adv.

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

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Ms. Hemantika Wahi ,Adv

HC of Orissa Mr. Sibho Sankar Mishra,Adv  
  
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



HC of Madras Mr. R. Nedumaran ,Adv

State of Haryana Mr. Manjit Singh, AAG  
Ms. Vivekta Singh, Adv.  
Mr. Tarjit Singh, Adv.  
Mr. Kamal Mohan Gupta ,Adv

State of Uttarakhnad Mr. V.N. Raghupathy ,Adv  
Ms. Rachana Srivastava ,Adv  
Mr. Rahul Verma, Adv.

State of Assam Mr. Riku Sharma, Adv.  
Mr. Navnit Kumar, Adv.  
M/S Corporate Law Group ,Adv.  
Mr. Ashwani Kumar ,Adv.

State of U.P. Mr. Ameet Singh, Adv.  
Mr. Mukul Singh, Adv.  
Mr. Kamendra Mishra ,Adv  
Mr. Shrish Kumar Misra ,Adv

HC of Patna Mr. Ajay Kumar Jha, 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  
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. Devanshu Kumar Devesh, Adv.  
Mr. Milind Kumar ,Adv

State of Punjab Mr. Kuldip Singh, Adv.  
Mr. R.K. Pandey, Adv.  
Mr. H.S. Sandhu, Adv.  
Mr. Ajay Pal ,Adv

State of Mah. Mr. Sanjay V. Kharde, Adv.

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Mrs. Asha G. Nair, 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.

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Ms. T. Kanaka Durga, Adv.

WC 46/07

Mr. Rauf Rahim, Adv.

WC 46/07

Mr. L.C. Agrawala, Adv.

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

Re: STATE OF DELHI

Having perused affidavit dated 9th February, 2011 filed by the High court of Delhi and heard Mr. A.D.N. Rao, learned counsel appearing for the High Court of Delhi and Mr. Brijender Chahar, learned Senior Counsel appearing for N.C.T. of Delhi, we feel that, for the present, no further directions are called for.

Re: STATE OF TAMIL NADU

In the affidavit dated 24th January, 2011,

filed by the High Court, it is pointed out that proposal for amendment of Rules for conducting Limited Competitive Examination was sent by the High Court to the State Government on 31st January, 2009 and the same is still awaiting notification, with the result that vacancies in this quota could not be filled up. It is also pointed out that the amended Judicial Service

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Rules in the matter of selection of Civil Judge (Junior Division) had been forwarded to the State Government, but the same have not yet been notified. Taking into consideration the administrative exigency, the High Court has taken a suo motu writ petition on the issue. It is stated that thereafter some talks have taken place between the authorities concerned and the writ petition had been adjourned to 27th January, 2011. However, the affidavit is silent on further progress in the matter.

Keeping in view the fact that recruitments/appointments to the posts of District Judges and Subordinate Judges are held up because of delay in amendment of the recruitment rules, we are constrained to direct the State Government to notify the Rules insofar as they pertain to the appointment of District Judges in Limited Competitive quota, within four weeks from today. As regards the other set of Rules applicable for filling up of vacancies in the Civil Judge (Junior Division), we direct that, if the State Government has any objections to the proposed amended Rules, the same shall be communicated to the High Court within two weeks

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from today, failing which, the Secretary (Home) shall remain present in Court in person on the next date to assist us in making appropriate orders.

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

Re: PUDUCHERRY

Having perused the affidavit filed by the High Court dated 24th January, 2011, no further directions are called for at this stage.

Re: STATE OF MADHYA PRADESH

Pursuant to our order dated 10th February, 2011, the Registrar General of the High Court and Principal Secretary (Law) are present in Court in person. Having perused the affidavit filed by the High Court dated 05th March, 2011, we feel that no further directions are called for at this stage. The presence of the said two officers is dispensed with.

Re: STATE OF UTTARAKHAND

Having perused the affidavit filed by the High Court dated 2nd March, 2011, no further directions are called for at this stage.

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Re: STATES OF ANDHRA PRADESH, CHHATTISGARH,  
KERALA AND RAJASTHAN

List on 28th April, 2011 at 03.00 p.m.

W.P.(C) NO. 46 OF 2007

At the request of learned counsel for the petitioner, list on 18th March, 2011 for preliminary hearing.

(VINOD LAKHINA)  
Court Master

(KUSUM GULATI)  
Court Master