

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 exemption from filing O.T. and intervention and permission to file reply affidavit with office report for directions)

Date: 15/11/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE H.L. DATTU

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Mr. P.K. Jain, Adv.
Mr. Ashok Kr. Sharma, Adv.
Mr. Mukesh Kr. Jain, Adv.
Mr. P.K. Goswami, Adv.

Mr. Mushtaq Ahmad, Adv.

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

Re: State of U.P.
I.A. NO.87 OF 2010
The application is dismissed.
I.A. NOS. 83 & 84 OF 2010

Having heard learned counsel for the State, the High Court and the learned Amicus Curiae, with their consent, the applications are disposed of with the following directions, in regard to the appointments to the post of District Judge (direct) for 2009 batch:

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:7:

As per advertisement dated 15.4.2009, at the relevant time, there were 68 vacancies for direct recruits, of which 24 vacancies were for general category, 21 for SC, 2 for ST and 21 for OBC. By applying category-wise selection, 420 SC, 40 ST and 209 OBC candidates were eligible to appear in the main written examination. However, only 58 of 209 SC candidates who secured 50% marks were allowed to appear in the main written examination. Similarly 338 of 811 OBC candidates were allowed to appear. Only 1 ST candidate secured 50% in the preliminary examination and he was allowed to appear in the main written examination. After holding the main written examination and the interviews, 24 candidates in general category (including 1 from OBC treated as general category due to his merit) and 10 from OBC were recommended for appointment. Recommendation of the aforesaid 34 candidates were sent by the High Court to the State Government vide letter dated

19th January, 2010, for issue of appointment letters. The State Government shall issue appointment letters to all the 34 candidates recommended by the High Court within four weeks from today.

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:8:

The High court shall now apply the criteria of restricting the main examination to 20 times the number of vacancies subject to minimum of 50% marks in the preliminary examination category-wise i.e. separately for SC, ST and OBC categories.

The High Court shall hold a special main written examination for filling up the remaining 11 OBC and 21 SC vacancies. In the said examination, 82 OBC candidates [420 being total entitled as per category-wise selection less 338 who appeared in the main written examination but did not qualify] would be allowed to appear. Similarly, 151 SC candidates [209 being total entitled as per category-wise selection less 58 who appeared in the main written examination but did not qualify] would be allowed to appear. However, since only 1 ST candidate secured 50% marks in the preliminary examination and he was allowed to appear in the main written examination; there is no other eligible ST candidate available.

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:9:

The High Court shall notify the date for special main written examination within two weeks from today which shall be held not later than 60 days thereof. The result of the special main written examination shall be published within 60 days of the holding of the examination. Oral interview of the successful candidates would be held within 45 days of the declaration of the result of special main written examination. The final select list shall be forwarded by the High Court to the State Government within two weeks of the conclusion of the interviews.

The State Government shall issue appointment letters to the selected candidates within four weeks of the receipt of the recommendations from the High Court.

If for any reason all the vacancies in the reserved categories are not filled up as per aforesaid directions, they shall be dealt with as per recruitment Rules and Regulations applicable to the future recruitments.

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:10:

All the 81 promotees, 34 direct recruits whose names were recommended by the High Court vide its letter dated 19th January, 2010 and the candidates to be appointed pursuant to this order shall be treated to have been appointed in the same 2009 batch and their inter se seniority shall be determined accordingly under the U.P. Higher Judicial Service Rules, 1975.

We reiterate that this order will apply in relation to appointments for the 2009 batch only. Nonetheless, if in the light of these directions, any amendment to the existing Rules is deemed necessary for future recruitments, it will be open to the High Court to carry out the same and forward the revised Rules to the State Government for consultation and notification.

The applications are disposed of in the above terms.

I.A. NOS. 86, 88 AND 89

The applications shall stand disposed of in terms of the above order.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master