

SUPREME COURT OF INDIA
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. for variation of time spchedule on behalf of State of West Bengal) (With appln. for directions and exemption from filing time schedule and intervention and modification of Court's order dated 24.7.2008 and extension of time schedule) (With office report)

WITH

CIVIL APPEAL NO. 1868 OF 2006

(With office report)

CIVIL APPEAL NO. 1869 OF 2006

(With office report)

CIVIL APPEAL NO. 1870 OF 2006

(With office report)

CIVIL APPEAL NO. 1871 OF 2006

(With office report)

CIVIL APPEAL NO. 1872 OF 2006

(With office report)

Date: 29/09/2008 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE D.K.JAIN

Mr. Vijay Hansaria, Sr. Adv. (A.C.)

Ms. Sneha, Adv.

For Appellant(s)

Mr. Ezaj Maqbool, Adv.

For Applicant(s):

Ms. Soumya Chakraborty, Adv.

Mr. DB Vohra, Adv.

For Respondent(s)

Mr. Lakshmi Raman Singh, Adv.

..2/-

C.A. 1867/2006Etc....Contd...(It. 68 Ct.7, Dt. 29/9/2008)

:2:

Mr. Atul Jha, Adv.

Mr.Dharmendra Kumar Sinha, Adv.

For intervenor

Mr. Arvind Kr. Tiwary, Adv.

Mr. Rannjan Dwivedi, Adv.

H.Court of Patna

Mr. Pravin H. Parekh, Sr.Adv.

Mr. Ajay Kr. Jha, Adv.

Ms. Mary Mitry, Adv.

Ms. Divya Sinha, Adv.

for

M/s P.H. Parekh & Co.

Mr. K.K. Mohan, Adv.

Mr. Prakash Kumar Singh, Adv.

M.P. High Court

Mr. C.D. Singh, Adv.

Mr. Sunny Choudhary, Adv.

Mr. Vairagya Vardhan, Adv.

Mr. Aditya Singh, Adv.

Mr. Kamlendra Mishra, Adv.

Allahabad H.Court

Mr. Ashok K Srivastava, Adv.
Mr. Saurabh Trivedi, Adv.
Mr. Indrajeet Das, Adv.

Mr. Debasis Misra, Adv.

For UOI:

Mr. Navin Prakash, Adv.
Ms. Rekha Pandey, Adv.
Ms. Sushma Suri, Adv.

High Court of A.P. Mr. T.V. Ratnam, Adv.

Orissa High Court

Mr. Janaranjan Das, Adv.
Mr. Swetaketu Mishra, Adv.

For Maharashtra

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

For Bombay H Court

Mr. Aniruddha P Mayee, Adv.
Mr. Sanjeev Kumar Choudhary, Adv.
Mr. Sanjay Visen, Adv.
Ms. Rucha A Mayee, Adv.

For Bihar

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

..3/-

C.A. 1867/2006Etc.....Contd...(It. 68 Ct.7, Dt. 29/9/2008)

:3:

For Tripura

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

For West Bengal

Ms. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.

For Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Ritu Raj, Adv.

For U.P.

Mr. Yunus Malik, Adv.
Mr. Shrish Kumar Mishra, Adv.
Ms. Sunita Gautam, Adv.
Mr. G.V. Rao, Adv.

Mr. P.I. Jose, Adv.
Mr. Vivek Kandari, Adv.

Mr. Pradeep Misra, Adv.

Mr. Radha Shyam Jena, Adv.

Mr. Ashok Mathur, Adv.

For Uttarakhand

Ms. Alka Sinha, Adv.
Mr. Anuvrat Sharma, Adv.
Ms. Rachana Srivastava, Adv.

For Karnataka

Mr. Sanjay R Hegde, Adv.
Mr. A Rohen Singh, Adv.

Mr. Amit Kr. Chawla, Adv.

For Manipur Mr. KH Nobin Singh, Adv.

For Delhi H Court Ms. Jyoti Singh, Adv.
Mr. A Mariarputham, Adv.
Mrs. Aruna Mathur, Adv.
For M/s Arputham Aruna & Co., Advs.

For Tamil Nadu Mr. A Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
for M/s Arputham Aruna & Co., Advs.

For Sikkim &
Sikkim H Court Mr. A Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
For M/s Arputham Aruna & Co., Advs.

..4/-

C.A. 1867/2006Etc....Contd...(It. 68,Ct.7, Dt. 29/9/2008)

:4:

Mr. Vishnu Sharma, Adv.
Mr. Anupam Sharma, Adv.

For M.P. Mr. Vikas Upadhyay, Adv.
Mr. B.S. Banthia, Adv.

For Chhattisgarh Ms. Suparna Srivastava, Adv.
Mr. Neeraj Srivastava, Adv.
Mr. Rajesh Srivastava, Adv.

For Rajasthan Mr. Jatinder Kumar Bhatia, Adv.
Mr. B.N. Jha, Adv.

Rajasthan H Court Mr. Sunil Kr. Jain, Adv.
Mr. Aneesh Mittal, Adv.

For Nagaland Mr. Ritu Raj Biswas, Adv.
Mr. S Balaji, Adv.
Mr. A.P. Mukundan, Adv.

For Haryana Mr. Manjit Singh, Addl. Adv. Gen.
Mr.T.V. George, Adv.

For Goa Ms. A Subhashini, Adv.

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

For U.T.
(Pondicherry) Mr. V.G. Pragasaam, Adv.
Mr.S.J. Aristotle, Adv.
Mr. Prabu Rama Subramanian, Adv.

H.Court of Tamil Mr. R. Nadumaran, Adv.
Nadu

Calcutta High Court Mr. G.S. Chatterjee, Adv.
Mr. Raja Chatterjee, Adv.
Mr. Sachin Das, Adv.

For Chandigarh Mr. Nidhesh Gupta, Adv.
High Court Mr. Tarun Gupta, Adv.
Ms. S Janani, Adv.

For Patna High Court
Mr. P.H. Pareksh, Sr. Adv.
Mr. Ajay Kumar Jha, Adv.
Ms. Divya Sinha, Adv.
for M/s P.H. Parekh & Co., Adv.

..5/-

C.A. 1867/2006Etc....Contd...(It. 68,Ct.7, Dt. 29/9/2008)

:5:

For NCT Delhi Ms. Sunita Sharma, Adv.
Ms. Asha G Nair, Adv.
Mr. D.S. Mahra, Adv.

Ms. Kamini Jaiswal, Adv.
Mr. Saurav Datta, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Binay Kumar Panta, Adv.
Mr. Subhasish Howmick, Adv.
Mr. S.C. Patel, Adv.

Ms. S. Janani, Adv.
Mr. Deepak Goel, Adv.

For Assam
for Mr. Ranjan Mazumdar, Adv.
M/s Corporate Law Group, Adv.

For Kerala
Mr. G Prakash, Adv.

For Punjab
Mr. K.K. Khurana, Addl. Adv. gen.
Mr. K.K. Mahalik, Adv.
Mr. Ajay Pal, Adv.
Mr. Kuldip Singh, Adv. (NP)
Mr. Arun K Sinha, Adv. (NP)

For State of HP
Mr. Naresh K. Sharma, Adv.

For UPPSC
Ms. Binu Tamta, Adv.
Mr. T Mahipal, Adv.

For Chhattisgarh
Mr. Atul Jha, Adv.
Mr. D.K. Sinha, Adv.

For Jharkhand
Ms. Suparna Srivastava, Adv.
Mr. Rajesh Patnak, Adv.

For Meghalaya
Mr. Ranjan Mukherjee, Adv.
Mr. S.C. Gosh, Adv.

For J & K
Mr. Anis Suharawardy, Adv.
Mr. S Mehdi Imam, Adv.
Mr. Tabraz Ahmed, Adv.
Ms. Samridhi, Adv.

..6/-

C.A. 1867/2006Etc....Contd...(It. 68,Ct.7, Dt. 29/9/2008)

:6:

For Gujarat
Ms. Hemantika Wahi, Adv.

Mr. Somnath, Adv.
Ms. K Enatahi Sema, Adv.

Mr. Y Rajagopala Rao, Adv.
Mr. Y Ramesh, Adv.
Mr. Y Vismai, Adv.

Mrs. D Bharathi Reddy, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Prashant Chaudhary, Adv.

Punjab & H. High
Court

Ms. Asha Jain Madan, Adv.
Mr. Mukesh Jain, Adv.

For U.P.P.S.C. Mr. Shail Kumar Dwivedi, Adv.

Ms. Vandana Mishra, Adv.
Ms. Vibha Dwivedi, Adv.

UPON hearing counsel the Court made the following
ORDER

In pursuance of our order dated September 23, 2008. Mr. Akhtar H Kochak, Principal Secretary (Law) is present in Court. He expresses his unconditional apology for not remaining present in Court pursuant to our earlier orders. He states that one of his relatives was not well and hence he could not remain present. Learned counsel appearing for the State of Jammu & Kashmir also tenders unconditional apology and states that it was because of communication gap that he could not make proper submission with regard to reasons for absence of the Secretary (Law). affidavit sworn by Assistant Legal Remembrancer, Department is filed. From the said affidavit, it appears that there is slackness on the part of the High Court and not on the part of the State Government in framing the recruitment Rules and filling up of vacancies.

An
Law

.7/-

C.A. 1867/2006Etc....Contd...(It. 68,Ct.7, Dt. 29/9/2008)

:7:

Let the High Court respond to the affidavit filed on behalf the State Government. The requisite affidavit shall be filed within a period of ten days.

Place the matter on October 14, 2008. This order will be communicated to the High court by the Principal Secretary (Law) through Registrar General. A copy of this order will also be sent to the Registrar General of the High Court by the Registry.

The personal presence of the Secretary (Law) will not be necessary unless specific order to that effect is passed.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Court Master