

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 schedule 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: 01/09/2008 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. 36 Ct.7, Dt. 1/9/2008)

: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

Registrar General, In Person

Mr. Pravin H. Parekh, Sr.Adv.

Mr. Ajay Kr. Jha, Adv.

Ms. Mary Mitry, 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. Arun Pednekar, Adv.
Mr. Sanjay V. Kharde, Adv.
Ms. Asha G. Nair, Adv.

For Bombay H Court

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

For Bihar

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
Ms. Vimla Sinha, Adv.

..3/-

C.A. 1867/2006Etc....Contd...(It. 36 Ct.7, Dt. 1/9/2008)

:3:

For Tripura

Mr. Gopal Singh, Adv.
Mr. Mohit Kumar Shah, Adv.
Ms. Rituraj Biswas, Adv.
Mr. Manish Kumar, Adv.

For West Bengal

Mr. Bhaskar Gupta, Sr. Adv.
Ms. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.

For Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Rituraj, Adv.

For U.P.

Mr. Yunus Malik, Adv.
Ms. Sunita Gautam, Adv.
Mr. Shrish Kumar Mishra, Adv.
Mr. Vijay Pratap Singh, Adv.
Ms. Pushkin, Adv.
Ms. Alka Sinha, Adv.
Mr. Anuvrat Sharma, Adv.
Mr. G.V. Rao, Adv.

Mr. P.I. Jose, Adv.
Mr. Anupam Mishra, Adv.

Mr. Pradeep Misra, Adv.

Mr. Radha Shyam Jena, Adv.

Mr. Ashok Mathur, Adv.

For Uttarakhand Ms. Rachana Srivastava, Adv.
Mr. Mohd. Noorullah, Adv.

For Karnataka Mr. Sanjay R Hegde, Adv.
Mr. Amit Kr. Chawla, Adv.
Mr. A Rohen Singh, Adv.
Mr. Vikrant Yadav, 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., Adv.

For Sikkim & Mr. Sonam P Wandi, Adv. Gen. of Sikkim
Sikkim H Court Mr. A Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
For M/s Arputham Aruna & Co., Adv.

..4/-

C.A. 1867/2006Etc....Contd...(It. 36 Ct.7, Dt. 1/9/2008)

:4:

Mr. Vishnu Sharma, Adv.
Mr. Anupama Sharma, Adv.

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

For Chhattisgarh Mr. Atul Jha, Adv.
Mr. D.K. Sinha, 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. U Hazarika, Adv.
Mr. Satya Mitra, Adv.
Ms. Sumita Hazarika, Adv.

For Haryana Mr. Manjit Singh, Adv.
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. Mr.T.L.V. Iyer, Sr. Adv.
(Pondicherry) Mr. V.G. Pragasa, Adv.
Mr.S.J. Aristotle, Adv.
Mr. Prabu Rama Subramanian, Adv.

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

Calcutta High Court Mr. Jaideep Gupta, Sr.Adv.
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. 36 Ct.7, Dt. 1/9/2008)

:5:

For NCT Delhi Mr. Wasim A Qadri, Adv.

Ms. Asha G Nair, Adv.
Mr. D.S. Mahra, Adv.

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

Mr. Ejaz Maqbool, Adv.

Mr. T.K. Ganju, Sr. Adv.
Mr. Binay Kumar Panta, Adv.
Mr. Subhasish Howmick, Adv.
Mr. S.C. Patel, Adv.

for Respondent:

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

For Assam

for Mr. Riku Sarma, Adv.
M/s Corporate Law Group, Adv.

For Kerala

Mr. G Prakash, Adv.

For Punjab

Mrs. Jay Shree Anand, 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. Mandi Imam, Adv.
Mr. Ashwani Garg, Adv.

..6/-

C.A. 1867/2006Etc....Contd...(It. 36 Ct.7, Dt. 1/9/2008)

:6:

For Gujarat Ms. Hemantika Wahi, Adv.
Ms. Pinky Behra, Adv.
Mr. Somnath, Adv.

For Uttarakhand Ms. Rachna Srivastava.
Mr.Noorullaha, 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.

Ms. Asha Jain Madan, Adv.

UPON hearing counsel the Court made the following
ORDER

We have heard learned counsel for the parties.

The States of Andhra Pradesh, Gujarat, Haryana,
Himachal Pradesh, Jammu & Kashmir, Assam, Arunachal
Pradesh, Meghalaya, Nagaland, Uttar Pradesh, West Bengal and
Karnataka have not filed requisite affidavit so far.

In spite of order passed by us on July 24, 2008 that either
affidavit to be filed by the States or Secretaries (Law)/Secretary-
cum-Legal Remembrancer of Legal Affairs will remain personally
present, the Secretaries of the following States are not present
though requisite affidavit has not been filed :

- 1) State of Andhra Pradesh
- 2) State of Haryana
- 3) State of Himachal Pradesh
- 4) State of Jammu & Kashmir

..7/-

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:7:

- 5) State of Assam
- 6) State of Arunachal Pradesh
- 7) State of Meghalaya
- 8) State of Nagaland
- 9) State of Uttar Pradesh

The Secretaries (Law/Judicial) of the following States are
present :

- 1) Mr. A.K. Roy, Judicial Secretary, Govt. of
West Bengal.
- 2) Mr. S. Siddalingaiah, Secretary (Law),
Karnataka
- 3) Mr. M.H. Shah, Secretary, Legal Department,
Govt. of Gujarat.

In our opinion, it would be in the interest of justice if we grant time to file affidavit in reply by the above States within two weeks from today. Let the matters appear on Board on September 23, 2008. On that date Secretaries(Law/Judicial)/Secretary-cum-Remembrancer of Legal Affairs of the nine States referred to above will remain personally present.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Court Master