

ITEM NO.5

COURT NO.1

SECTION III-A

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). 1867/2006

MALIK MAZHAR SULTAN & ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION
THROUGH ITS SECRETARY & ORS.

Respondent(s)

(With IA No. 6328/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 186742/2019 - CLARIFICATION/DIRECTION and IA No. 23882/2020 - CLARIFICATION/DIRECTION and IA No. 180863/2019 - CLARIFICATION/DIRECTION and IA No. 126264/2019 - CLARIFICATION/DIRECTION and IA No. 188844/2019 - EXEMPTION FROM FILING O.T. and IA No. 188843/2019 - EXTENSION OF TIME and IA No. 187810/2019 - EXTENSION OF TIME and IA No. 153897/2019 - EXTENSION OF TIME and IA No. 113777/2019 - INTERVENTION APPLICATION and IA No. 186736/2019 - INTERVENTION/IMPLEADMENT and IA No. 6324/2020 - INTERVENTION/IMPLEADMENT and IA No. 190106/2019 - MODIFICATION OF COURT ORDER and IA No. 170253/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH SMW(C) No. 1/2017 (PIL-W)

SMW(C) No. 2/2018 (PIL-W)

(Mr. Shyam Divan, Mr. K.V. Vishwanathan, Mr. Vijay Hansaria and Mr. Gaurav Agrawal are learned Amici Curiae in the instant matter.)

Date : 05-03-2020 The matter(s) was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

For Appellant(s) By Courts Motion

Mr. Shyam Divan, Sr. Adv. (A.C.) (NP)
Mr. Udayaditya Banerjee, Adv.

Mr. K.V. Vishwanathan, Sr. Adv. (A.C.)

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

Mr. Gaurav Agrawal, Adv. (A.C.)

Mr. Ejaz Maqbool, AOR

For Respondent(s)/
Applicant(s)

Mr. Lakshmi Raman Singh, AOR
Mr. Naresh K. Sharma, AOR
Mr. Merusagar Samantaray, AOR
Mr. Utkarsh Singh, Adv.
Mr. Tauheed Arshi, Adv.
Mr. Mohd. Humaid, Adv.
Mr. Shrish Kumar Misra, AOR
Ms. Deepika Mishra, Adv.
Mr. Ajay Kumar, Adv.
Mr. Bimlesh Pandey, Adv.
Mr. Virender Arora, Adv.
Ms. Preetika Dwivedi, AOR
Mr. Ankur Das, Adv.
Mr. Arun K. Sinha, AOR
Mr. Siddhartha Chowdhury, AOR
Ms. Asha Jain Madan, AOR
Mr. Ashwani Kumar, AOR
Ms. Peeha Verma, Adv.
Mr. Jay Kumar Bhardwaj, Adv.
Mr. Anil Shrivastav, AOR
Mr. Rituraj Biswas, Adv.
Mr. Satyendra Kumar Srivastava, Adv.
Mr. Jatinder Kumar Bhatia, AOR
Dr. Manish Singhvi, AAG/Sr.
Mr. D.K. Devesh, Adv.
Mr. Milind Kumar, AOR
Mr. Atul Jha, Adv.
Mr. Piyush Upadhyay, Adv.
Mr. Ranjan Mukherjee, AOR
Mr. K.V. Kharlyngdoh, Adv.
Mr. Deniel Stone Lyngdoh, Adv.
Mr. Ajay Pal, AOR
Mr. Naresh Kumar, AOR
Ms. A. Subhashini, AOR
Mr. Pradeep Misra, AOR

Mr. Sahil Tagotra, AOR

Mr. Ambhoj Kumar Sinha, Adv.
Mr. Krishnanand Pandeya, AOR

Mr. P.N. Ravindran, Sr. Adv.
Mr. T. G. Narayanan Nair, AOR
Mr. Amit Sharma, Adv.

Mr. Parijat Sinha, AOR

Mr. Vivek Singh, AOR
Mr. K.K. Singh, Adv.

Mr. B. S. Banthia, AOR

Mr. Kaushal Yadav, AOR

Mr. Sunil Kumar Verma, AOR

Ms. Rachana Srivastava, AOR
Ms. Rachna Gandhi, Adv.

Ms. Uttara Babbar, AOR
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.

Mr. Pravin H. Parekh, Sr. Adv.
Mr. K. Raj, Adv.
Ms. Tanya Chaudhry, Adv.
Ms. Pratyusha Priyadarshini, Adv.
Ms. Nitika Pandey, Adv.
M/S. Parekh & Co., AOR

Mr. Sunny Choudhary, AOR

Mr. T. V. George, AOR

Mr. Shail Kumar Dwivedi, AOR

Mr. Kamendra Mishra, AOR

Ms. Hemantika Wahi, AOR

Mr. M. Shoeb Alam, AOR
Mr. Mojahid Karim Khan, Adv.

Mr. Krishnayan Sen, AOR

Mr. S. C. Patel, AOR

Mr. Sibbo Sankar Mishra, AOR

Ms. Sumita Hazarika, AOR

Mr. Ashok Mathur, AOR

Mr. R. Sathish, AOR

Mr. Abhijit Sengupta, AOR

Mr. Anandh Kannan N., AOR

Mr. Arjun Garg, AOR

Mr. Devansh Srivastava, Adv.

M/S. Corporate Law Group, AOR

Mr. Mukesh Kumar Maroria, AOR

Mrs. Sarla Chandra, AOR

Ms. Ruchi Kohli, AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. R.N. Venjrani, Sr. Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

Mr. Akhileshwar Jha, Adv.

Ms. Sandhya Sharma, Adv.

For Mr. T.V. George, AOR

Mrs. Bina Gupta, AOR

Mr. Karan Bharihoke, AOR

Mr. Siddhant Sharma, Adv.

Mr. Suwendu Suvasis Dash, AOR

Mr. Kamini Jaiswal, AOR

Ms. Anupama Sharma, Adv.

Mr. Vishnu Sharma, AOR

Ms. Kajal Kadam, Adv.

Mr. Abhishek Yadav, Adv.

Mr. Braj Kishore Mishra, Adv.

Mr. Apoorv Kurup, Adv.

Ms. Upama Bhattacharjee, Adv.

Mr. Shibashish Misra, AOR

Mr. S. Debabrata Reddy, Adv.

Mr. Chandan Kumar Mandal, Adv.

Mr. Radha Shyam Jena, AOR

Mr. K. K. Mohan, AOR

Mr. B. Balaji, AOR

Mr. K. Parameshwar, AOR

Mr. M.V. Mukunda, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Sharma, Adv.

Ms. Anupama Ngangom, Adv.

Mr. K.M. Nataraj, ASG

Mr. Vikramjit Banerjee, ASG

Mr. R. Bala Subramanian, Sr. Adv.

Ms. Aishwarya Bhati, Sr. Adv.

Ms. Swarupama Chaturvedi, Adv.

Mr. Prashant Singh, Adv.

Mr. R.R. Rajesh, Adv.

Mr. Raj Bahadur Yadav, AOR

Ms. Binu Tamta, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. B.V. Balram Das, AOR

Mr. Sanjai Kumar Pathak, Adv.

Ms. Shashi Pathak, Adv.

Mr. Arvind Kumar Tripathi, Adv.

Ms. Shubhali Pathak, Adv.

Mr. Alok Sangwan, Adv.

Mr. Sunny Kadiyan, Adv.

Mr. Kamal Mohan Gupta, AOR

Ms. S. Janani, AOR

Mr. Naresh Bakshi, AOR

Mr. Prakash Kumar Singh, AOR

Dr. Brij Bhushan K. Jauhari, Adv.

Mr. Gopi Nagar, Adv.

Mr. Harsh Mahan, Adv.

Ms. Purnima Jauhari, Adv.

Mr. R. Nedumaran, AOR

Ms. Asha Gopalan Nair, AOR

Mr. Vipin Nair, AOR

Mr. P.B. Suresh, Adv.

Mr. Karthik Jayashankar, Adv.

Mr. Sughosh Subramaniam N., Adv.

Mr. Rahul Kaushik, Adv.
Ms. Bhuvneshwari Pathak, Adv.
Ms. Shilpi Satyapriya Satyam, Adv.
Mr. Rahul Khatri, Adv.

Ms. Binu Tamta, AOR

Mr. T. V. Ratnam, AOR

Mr. Rana Ranjit Singh, AOR

Mr. Annam D. N. Rao, AOR

Mr. M. R. Shamshad, AOR

Mr. Anuvrat Sharma, AOR

Mr. Anil K. Jha, AOR

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, AOR

Mr. T. Mahipal, AOR

Mr. Avijit Bhattacharjee, AOR

Ms. Aruna Mathur, Adv.

Mr. Avneesh Arputham, Adv.

Ms. Anuradha Arputham, Adv.

Ms. Geetanjali, Adv.

For M/s Arputham Aruna And Co, AOR

Ms. Deepanwita Priyanka, AOR

Mr. P. I. Jose, AOR

Mr. Prashant K. Sharma, Adv.

Mr. Jenis Francies, Adv.

Mr. Ravi Sagar, Adv.

Mrs. D. Bharathi Reddy, AOR

Mr. Y. Raja Gopala Rao, AOR

Mr. Sunil Kumar Jain, AOR

Mr. Abhishek Jain, Adv.

Ms. Kritika Bodha, Adv.

Mr. Rahul Chitnis, Adv.

Mr. Aaditya A. Pande, Adv.

Mr. Sachin Patil, AOR

Mr. G. N. Reddy, AOR

Mr. T. Vijaya Bhaskar Reddy, Adv.

Mr. Digvijay Harichandan, Adv.

Mr. A. Tewari, Adv.

Ms. Eliza Bar, Adv.

Mr. Shree Pal Singh, AOR

Mr. Shuvodeep Roy, AOR

Mr. Kabir Shankar Bose, Adv.

Mr. Shuvodeep Roy, AOR

Mr. Rahul Raj Mishra, Adv.

Mr. Keshav Mohan, Adv.

Mr. Rishi K. Awsthi, Adv.

Mr. Prashant Kumar, Adv.

Mr. Piyus Vatsa, Adv.

For Mr. Santosh Kumar - I, AOR

Mr. Shuvodeep Roy, AOR

Mr. Kabir Shankar Bose, Adv.

Dr. Manish Singhvi, Sr. Adv.

Mr. Shailja Nanda Mishra, Adv.

Mr. Arpit Parkash, Adv.

Mr. Sandeep Kumar Jha, AOR

Mr. Alok Sangwan, Adv.

Dr. Monika Gusain, AOR

Dr. Rajesh Pandey, Adv.

Ms. Tanuja Manjari Patra, Adv.

Ms. Shweta Mulchandani, Adv.

Mr. Manoj Selvaraj S., Adv.

Ms. Aswathi M.k., AOR

Mr. Nishanth Patil, AOR

Ms. Ruchira Gupta, Adv.

Mr. Anurag Sharma, Adv.

Mr. Shishir Deshpande, AOR

Mr. Vikas Mahajan, AAG

Mr. Joydip Roy, Adv.

Mr. Vinod Sharma, AOR

Mr. Anil Kumar, Adv.

Mr. Gopal Prasad, AOR

Ms. Shalya Agarwal, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Manendra Pal Gupta, Adv.

Mr. G. Prakash, AOR

Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Gopal Prasad, AOR
Mr. Jayesh Gaurav, Adv.
Ms. Shalya Agarwal, Adv.

Mr. Mishra Saurabh, AOR
Ms. Anuja Pethia, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Aniruddha P. Mayee, AOR
Mr. A. Rajarajan, Adv.

Mr. Aviral Saxena, Adv.
Ms. Rachna Srivastava, AOR

Ms. Deepanwita Priyanka, Adv.

Mr. Ashok Kumar Singh, AOR

Ms. Sneha Kalita, AOR

Mr. Siddhesh Kotwal, Adv.
Ms. Bansuri Swaraj, Adv.
Ms. Arshiya Ghose, Adv.
Mr. Divyansh Tiwari, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Astha Sharma, AOR

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Mr. Som Raj Choudhury, AOR
Ms. Shrutee Aradhana, Adv.
Mr. Prashant Kumar, Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Rohit K. Singh, AOR

Mr. Sanjay Katyal, Adv.
Mr. Rajat Arora, AOR

Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Narendra Kumar, AOR

Mr. Balaji Srinivasan, AAG
Mr. M. Yogesh Kanna, AOR
Mr. S. Raja Rajeshwaran, Adv.

Ms. Uma Prasuna Bachu, Adv.

Mr. S. Udaya Kumar Sagar, AOR
Ms. Swati Bhardwaj, Adv.

Mr. Gopal Singh, AOR

Mr. Adarsh Upadhyay, AOR

Mr. Soumya Chakraborty, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Pravar Veer Misra, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Pravar Veer Misra, Adv.

Mr. Chirag M. Shroff, AOR
Ms. Yashika Verma, Adv.
Ms. Abhilasha Bharti, Adv.

Mr. V. G. Pragasam, AOR
Mr. S. Prabhu Ramasubramanian, Adv.
Mr. S. Manuraj, Adv.

Mr. Ardhendumauli Kumar Prasad, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.
Mr. P.S. Negi, Adv.
Mr. Sruti Ram Kochar, Adv.
Mr. Shaurya Sahay, Adv.
Mr. K.V. Kharlyngdoh, Adv.

Ms. Sakshi Kakkar, AOR

Mr. Naveen R. Nath, AOR

Mr. Talha Abdul Rahman, AOR

Mr. Gaichangpou Gangmei, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. Upendra Mishra, Adv.
Mr. K.V. Kharlynydoh, Adv.

Mr. Abhinav Mukerji, AOR

Mr. Raghvendra Singh, AG
Mr. Sanjay Kumar Tyagi, AOR
Mr. Sandeep Singh, Adv.

Mr. Yogesh Pachouri, Adv.
Mr. Nem Pal Singh, Adv.

Mr. Ankit Goel, AOR
Mr. R.K. Gupta, Adv.

Mr. Tapesk Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.

Mr. Guntur Prabhakar, AOR

Mr. Navaniti Prasad Singh, Sr. Adv.
Mr. Vaibhav Niti, Adv.
Mr./Ms. Sayaree Basu Mallik, AOR

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
M/s PLR Chambers And Co., AOR

Ms. Purnima Krishna, AOR

Mr. Yadav Narender Singh, AOR

Dr. Monika Gusain, AOR

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

I.A. No.23882/2020 in Civil Appeal No.1867/2006

List the instant application for direction on 06.03.2020.

I.A. No.188843/2019 in Civil Appeal No.1867/2006

Mr. Keshav Moha, learned counsel appearing for the applicant-State of Bihar, prays for withdrawal of this application seeking extension of time.

Prayer is allowed.

Accordingly, the instant application is dismissed as withdrawn.

I.A. No.180863/2019 in Civil Appeal No.1867/2006

This is an application seeking clarification of this Court's

order dated 07.11.2019.

Mr. Navniti Prasad Singh, learned Senior Counsel appearing for the applicant viz., Sanjay Kumar Saroj, points out that in the aforesaid order dated 07.11.2019 in the section heading Re : State of Jharkhand (High Court of Jharkhand) under sub-heading I "District Judge/Higher Judicial Service in second paragraph, the words "date of appointment" are contingent error inasmuch as it should be "date of application" in the following sentence :

"The applicant in the interlocutory application admittedly was not a judicial officer on the date of appointment."

We accordingly direct that the word "appointment" shall be substituted by the word "application".

Order accordingly.

The instant application is disposed of in the above terms.

REST OF THE MATTERS

List the matters after the ensuing Holi Holidays, 2020.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR