

ITEM NO.113

COURT NO.1

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 1867/2006

MALIK MAZHAR SULTAN AND ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS

Respondent(s)

(With appln. for extension of time (I.A. Nos. 140 & 144) and direction (I.A. Nos. 141 & 142) and for permission to file correct Annexure in I.A. No. 130 (I.A. No. 143) and regarding High Courts of Jharkhand, Madhya Pradesh, Tamil Nadu, Uttarakhand & Guhati and office report)

WITH

W.P.(C) No. 403/2014

(With application for impleadment as party respondent and vacation of status quo and office report)

W.P.(C) No. 85/2015

(With appln. for directions and office report)

Date : 27/10/2015 This appeal/petition were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN MISHRA

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

Ms. Sneha Kalita, Adv.

Mr. Awnish Pandey, Adv.

For Appellant(s)

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Ms. T. Anamika, Adv.

For Applicant(s)

Mr. Y Rajagopala Rao, Adv.

For Applicant(s)

Mr. Satya Mitra, Adv.

Applicant(s)

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 Ms. Vaishali R., Adv.
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 Mr. Z.H. Isaac Haiding, Adv.
 Mr. Ashok Kumar Singh, Adv.

Mr. Ashok Mathur, Adv.

Mr. Ashok Panigrahi, Adv.

Mr. Ashwani Kumar, Adv.

Mr. Avijit Bhattacharjee, Adv.

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Ms. R. Shase, Adv.

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Ms. G. Indira, Adv.

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Ms. Sakshi Kakkar, Adv.

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Ms. Jesal Wahi, Adv.
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Ms. S. Janani, Adv.

Ms. Sumita Hazarika, Adv.

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Himachal Pradesh	Mr. Suryanaryana Singh, Sr.Addl. Adv. Gen. Ms. Pragati Neekhra, Adv.
Calcutta H.Court	Mr. Kunal Chatterji, Adv.
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	Mr. S. Ugra Shankar Prasad, Adv.
	Mr. Vishnu Sharma, Adv.
H.Court of Kerala	Mr. V. Giri, Sr. Adv. Mr. T.G.N. Nair, Adv. Mr. K.N. Madhusoodhanan, Adv.
	Mr. Sunil Fernandes, Adv. Ms. Astha Sharma, Adv. Ms. Mithu Jain, Adv. Ms. E Enatoli Sema, Adv. Mr. Edward Belho, Adv. Mr. Amit Kumar Singh, Adv.

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

IN RE : STATE OF WEST BENGAL

Pursuant to the directions issued by us the concerned officer(s) are present before us.

Shri Vijay Hansaria, learned Amicus Curiae has placed before us a status report wherein he has

stated that the High Court as well as the State has substantially complied with the orders and directions issued by this Court. Therefore, in our opinion, no further orders are required to be passed.

Learned counsel appearing for the State would submit that the select list will be communicated to them by the Public Service Commission only on 18.12.2015. Therefore, he requests us to grant them another three months' time to issue letters of appointment to the selected candidates. The request of learned counsel for the State appears to be reasonable and, is accordingly granted.

The presence of the concerned officer(s) is dispensed with.

IN RE : STATE OF JHARKHAND

Pursuant to to the directions by us, the Registrar General of the High Court is present before us.

Learned Amicus Curiae would inform us that

there are nine vacancies for the District Judges quota and the same should be filled up by limited competitive examination which according to the Amicus Curiae has not been done by the State and the High Court.

Learned counsel appearing for the High Court submits that they would complete the process for filling up of nine vacancies as early as possible, at any rate within six months' time from today. Placing on record the statement so made by the learned counsel, in our opinion, no further orders are required to be passed insofar as the State of Jharkhand is concerned.

The presence of the Registrar General of the High Court is dispensed with.

IN RE: STATE OF MADHYA PRADESH

Pursuant to the directions by us, Shri Pankaj Gaur, Registrar (Judicial) of the High Court is present before us.

The learned Amicus Curiae would inform us

that no affidavit has been filed before this Court in compliance of our earlier orders and directions.

Shri C.D. Singh, learned counsel would submit that the affidavit is ready and would be handed over to learned Amicus Curiae.

Learned Amicus Curiae would look into the affidavit and submit the status report by the next date of hearing.

We direct the Registrar (Judicial) of the High Court to be present before this Court on 26.11.2015.

IN RE: TAMIL NADU AND PUDUCHERRY

Pursuant to our directions, Shri P.Kalaiyaran, Registrar General of High Court of Madras is present before us.

We are informed that the Substantial compliance is made by the High Court. Therefore, no further order is required to be passed.

The presence of the concerned Officer(s) is dispensed with.

IN RE: UTTARAKHAND

The substantial compliance is made by the High Court. Therefore, no further order is required to be passed.

The presence of the Officer(s) is dispensed with.

IN RE: ASSAM

Learned Amicus Curiae in his report has stated that in certain Districts of Assam, the State Government has not provided infrastructure facilities. If that is so, we direct the State Government to provide appropriate infrastructure facilities in the judicial Districts of Karbi Anglong, Dima Hasao, Bksa and Chirang.

IN RE: NAGALAND

Substantial compliance is made by the High Court. Therefore, no further orders are required to

be passed.

IN RE: MIZORAM

Learned Amicus Curiae has stated in his report that in the category of Civil Judge (Junior Division) there are 29 vacancies out of the sanctioned strength of 34. He is of the further view that the High court is not in a position to fill up those vacancies in view of the non-finalization of the Mizoram Judicial Service (Amendment) Rules.

In our view, the State Government, Mizoram Public Service Commission and the High Court should make all endeavour to finalize the aforesaid Rules as early as possible, at any rate within three months' time from today.

The presence of the concerned officer(s) is dispensed with.

IN RE: ARUNACHAL PRADESH

Substantial compliance is made by the High

Courts. Therefore, no further order is required to be passed.

I.A. NO.140 OF 2015

The request of the High Court of Gujarat for extension of time is granted.

We extend the time to complete the recruitment/selection process of Judges at the District/Subordinate Level within three months' time from today.

Accordingly, I.A. No.140 of 2015 is disposed of.

I.A.NO.141 OF 2015

After hearing learned Amicus Curiae and learned counsel for the High Court of Kerala, we are of the firm view that the prayer in the application cannot be granted.

Accordingly, I.A. No.141 of 2015 is dismissed.

I.A. NO.142 OF 2015

After hearing learned Amicus Curiae and learned counsel for the State of Telangana, we now direct the State of Telangana to issue necessary posting orders of Civil Judges (Senior Division) as District Judges as early as possible, at any rate within one month's time from today.

I.A. NO. 143 OF 2015

Prayer made in the application is as under:

"Grant permission to file correct annexure(s) by replacing the annexure(s) 'B' to 'I' filed along with I.A. No.130 of 2013 for filling up the vacancies in each cadre of the Himachal Pradesh Judicial Service and to make amendments/incorporate the same in the H.P. Judicial Service Rules, 2004 accordingly."

The afore-said prayer is reasonable and is granted accordingly.

I.A. NO.144 OF 2015

Prayer made in the application is as under:

"Extend the time by 30 days i.e. upto 30th January, 2016 for completion of the recruitment of process of the District Judges by direct recruitment".

The afore-said prayer is reasonable and is granted accordingly.

We direct the High Court of Chhatisgarh, Jammu and Kashmir, Orissa and Kerala to file appropriate status report/affidavit before this Court on or before 20.11.2015 after furnishing a copy of the same to learned Amicus Curiae.

We further direct the Registrar Generals of the High Court of Chhatisgarh, Jammu and Kashmir, Orissa and Kerala to remain present before this Court at 26.11.2015 at 02:00 p.m.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar