

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)
No(s).29572/2009

(From the judgement and order dated 02/07/2009 in LPA No.
142/2008 of The HIGH COURT OF H.P AT SHIMLA)

RAKESH KUMAR Petitioner(s)

VERSUS

HIGH COURT OF H.P.& ANR. Respondent(s)

(With prayer for interim relief and office report)

Date: 06/08/2010 This Petition was called on for hearing
today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr. J.S. Attri, Sr. Adv.
Mr. Balraj Dewan, Adv.
Mr. Niraj Jha, Adv.
Mr. Vivek S. Attri, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

Mr. Gaurav Agrawal, Adv.

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

This petition is directed against the judgment and
order dated 2.7.2009 passed by the High Court of Himachal
Pradesh, directing termination of the services of the
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petitioner who was duly selected by the interview committee
after it found that the petitioner fulfils all the minimum
eligibility criteria. It is contended before us by the counsel
appearing for the petitioner that the experience certificate of
the petitioner has been found to be genuine and he has been
found to be the most suitable candidate. According to the
petitioner, the High Court committed an error in quashing the
whole selection process which was conducted by the duly

constituted selection committee.

We have also heard the learned counsel appearing for the High Court of Himachal Pradesh who has informed us that the other candidate Mr. Kamlesh Kumar had produced his experience certificate of having worked with two well known and famous institutions.

Having gone through the records and having heard the learned counsel for the parties, we are of the opinion that the judgment and order passed by the High Court of Himachal Pradesh does not call for any interference, particularly in view of the fact that the High Court has directed for holding a fresh selection for the purpose of appointing a Mechanic in the High Court.

In view of the aforesaid conclusions that we have arrived at, we direct the High Court to proceed with the selection process at the earliest and to complete the selection process within three months from today. The High Court shall

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issue an advertisement inviting applications from all eligible candidates and if in case the petitioner herein makes an application, his case shall also be considered by the selection committee in accordance with law, but giving due weightage to the period of service that the petitioner had rendered with the Respondent.

In terms of the aforesaid order, the Special Leave Petition is disposed of.

(V.K. Tiwari)
P.A.

(Renu Diwan)
Court Master