

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

CONTEMPT PETITION (C) NO.347 OF 2010 IN S.L.P.(C) NO.20558 OF 2009

HARIT KUMAR DWIVEDI & ORS. Petitioner(s)

VERSUS

PRADEEP KUMAR SHUKLA & ORS. Respondent(s)

(With appln(s) for impleadment/directions and office report)

WITH I.A. NOS.1-3 IN CONMT.PET.(C) NO.269 of 2012 IN S.L.P.(C)
NO.20558 OF 2009

(With appln.(s) for directions and impleadement and office report)

CONMT.PET.(C) NO.72 OF 2013 IN CONMT. PET. (C) NO.347 OF 2010
(With appln.(s) for exemption from filing O.T.)

CONMT. PET.(C) NO.75 OF 2013 IN CONMT. PET.(C) NO.65 OF 2012

CONMT. PET.(C) NO.105 OF 2013 IN S.L.P.(C) NO.20774 OF 2009
(With appln.(s) for permission to file additional documents and exemption
from filing O.T.)

CONMT. PET.(C) NO.121 OF 2013 IN CONMT. PET.(C) NO.65 OF 2012

Date: 15/04/2013 These Petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Mukesh K. Giri, AOR
CP (C) 347/10 & Mr. Rachit Mittal, Adv.
IA 1-3 IN CP (C)
269/12

CP (C) 73/13 Mr. Amarendra Sharan, Sr. Adv. (NP)
Mr. Aseem Chandra, Adv.
Mr. Amit Anand Tiwari, AOR

CP (C) 75/13 Mr. Huzefa A. Ahmadi, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Yash Pal Dhingra, AOR

CP (C) 121/13 Mr. Arvind Verma, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Yash Pal Dhingra, AOR

CP (C) 105/13 Mr. Shail Kumar Dwivedi, Adv.
Mr. Gunnam Venkateswara Rao, AOR
Mr. Siddharth Krishna Dwivedi, Adv.

IN I.A. 129 IN Mohd. Irshad Hanif, AOR (NP)
CP(C) 347/2010

For Respondent(s) Mr. Irshad Ahmad, AAG, U.P.
Mr. Abhishth Kumar, AOR
Ms. Archana Singh, Adv.

Mr. Dinesh Kr. Tiwary, Adv.
Mr. Chandan Kumar, Adv.
Mr. Santosh Kumar Tripathi, AOR

Mr. C.L. Sahu, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Vipin Kumar Jai, AOR

Mr. Yash Pal Dhingra, AOR

CP (C) 269/12

Mr. Chandra Shekhar, Adv.
Mr. Saurabh Upadhyay, Adv.
Mr. S.K. Verma, AOR

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

Contempt Petition (Civil) No.347 of 2010, had been disposed of by this Court on 27th November, 2012, with certain directions regarding filling up of the vacancies in terms of the order which we had passed on 3rd August, 2010, in S.L.P.(C) No.20558 of 2009.

While the directions contained in the matter were being given effect to, on 18th March, 2013, it was brought to our notice that some of the contempt petitions were not covered by the affidavit which had been filed on behalf of the State of Uttar Pradesh on 11th March, 2013, by one Mr. B.S. Arora, Director, Medical Health Services, U.P. Accordingly, we had directed that the said petitions, along with the disposed of Contempt Petition (C) No.347 of 2010, be listed for consideration. The matter has, thereafter, appeared in the List pursuant to such direction. On behalf of different petitioners, various submissions were made regarding the statements made on behalf of the State of U.P. with regard to the number of vacancies available for accommodating the applicants in terms of our order in the special leave petition. In fact, appearing for the alleged contemnors, as also the State of U.P., Mr. Irshad Ahmad, learned Advocate and the learned Senior Standing Counsel, has referred to an additional affidavit affirmed by Shri Arora on 11th March, 2013, wherein in paragraph 3 it has been indicated that since the number of vacancies for appointing Pharmacists, who had obtained diploma up to 1998, were more than the number of applicants, there had been no difficulty in appointing all of them, but for the year 1999, there was a problem, since as against the number of vacancies available, the applicants were more. In fact, the number of vacancies available are only 553 as against the number of applicants, who are 695 in number.

Faced with certain difficulties on account of the claims made by different sections for appointment in the said vacancies, Mr. Ahmad pointed out that three Lists have been prepared by the Government to accommodate different categories of candidates. List 'A' contains the names of 695 applicants, prepared on the percentage of marks obtained in diploma pharmacy. The other two Lists include the claims of other categories which we had earlier discouraged indicating that, first of all the candidates who had obtained their diploma up to 2002 had to be accommodated.

Accordingly, having heard learned counsel for the parties, we accept List 'A', as prepared, and allow the State of U.P. to fill up the 553 vacancies, indicated by it out of the said number of 695 applicants, for the present. The remaining number shall be

accommodated in the succeeding years. We once again reiterate our earlier direction that first of all, all the candidates from this list are to be accommodated before others.

Other objections that may be taken with regard to the additional affidavit filed by Shri B.S. Arora and the number of vacancies available, be taken up on a subsequent date, two weeks hence.

I.A. No.129 of 2013, has been filed in Contempt Petition (C) No.347 of 2010, for leave to file impleadment application in the disposed of contempt petition.

No one appears in support of the said application. In any event, the prayer made in the interlocutory application is entirely misconceived. Accordingly, the interlocutory application is dismissed.

|(Chetan Kumar)
|Court Master

| |(Juginder Kaur)
| |Assistant Registrar

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