

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 exemption from filing O.T., intervention, impleadment and permission to file additional documents)

With Cont. Pet. (C) No.104 of 2011 in S.L.P. (C) No.20558/2009
(For Prel. Hearing)

Contempt Petition (C) No.107 of 2011 in S.L.P. (C) No.22732/2009
(For Prel. Hearing)

Contempt Petition (C) No.204 of 2012 in S.L.P. (C) No.22732/2009
(For Prel. Hearing)

Contempt Petition (C) No.205 of 2012 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.206 of 2012 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.263 of 2012 in S.L.P. (C) No.20558/2009
(For Prel. Hearing)

Contempt Petition (C) No.269 of 2012 in S.L.P. (C) No.20558/2009
(For Prel. Hearing)

Contempt Petition (C) No.270 of 2012 in S.L.P. (C) No.20774//2009
(For Prel. Hearing)

Contempt Petition (C) No.271 of 2012 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.283 of 2011 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.287 of 2012 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.29 of 2011 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

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Contempt Petition (C) No.3 of 2011 in S.L.P. (C) No.20558/2009

Contempt Petition (C) No.32 of 2011 in S.L.P. (C) No.22114/2009
(For Prel. Hearing)

Contempt Petition (C) No.341 of 2012 in S.L.P. (C) No.22851/2009
(For Prel. Hearing)

Contempt Petition (C) No.349 of 2011 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.350 of 2011 in S.L.P. (C) No.20774/2009

(For Prel. Hearing)

Contempt Petition (C) No.36 of 2011 in S.L.P. (C) No.20558/2009
(For Prel. Hearing)

Contempt Petition (C) No.37 of 2011 in S.L.P. (C) No.32977/2009
(For Prel. Hearing)

Contempt Petition (C) No.371 of 2012 in S.L.P. (C) No.20774/2009

Contempt Petition (C) No.372 of 2012 in S.L.P. (C) No.20558/2009
(With appln.(s) for exemption from filing O.T.)

Contempt Petition (C) No.385 of 2011 in S.L.P. (C) No.22732/2009
(For Prel. Hearing)

Contempt Petition (C) No.402 of 2012 in S.L.P. (C) No.20558/2009

Contempt Petition (C) No.65 of 2012 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.66 of 2012 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.73 of 2011 in S.L.P. (C) No.20558/2009
(For Prel. Hearing)

Contempt Petition (C) No.8 of 2011 in S.L.P. (C) No.20774/2009
(For Prel. Hearing)

Contempt Petition (C) No.92 of 2011 in S.L.P. (C) No.20558/2009
(For Prel. Hearing)

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Date: 27/11/2012 This Matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Mukesh K. Giri,Adv.

Mr. Rachit Mittal,Adv.

Dr. Sumant Bharadwaj,Adv.

Mr. Ajit Kumar Gupta,Adv.

Ms. Mridula Ray Bharadwaj,Adv.

Mr. Mukul Rohtagi,Sr.Adv.

Mr. Shree Pal Singh,Adv.

Mr. Vivek Vishnoi,Adv.

Mr. Mukesh Verma,Adv.

Mr. Pawan Shukla,Adv.

Mr. Yash Pal Dhingra,Adv.

Mr. Dinesh Dwivedi,Sr.Adv.

Mr. Mukesh Verma,Adv.

Mr. Pawan Shukla,Adv.

Mr. Yash Pal Dhingra,Adv.

Mr. D.N. Dubey,Adv.

Mr. Pradeep Kumar Dwivedi,Adv.

Mr. Sandeep Kumar Dwivedi,Adv.

Mr. K.L. Janjani,Adv.

Mr. Pankaj Kumar Singh,Adv.

Mr. K.L. Janjani, Adv.
Mr. S.R. Singh, Sr. Adv.
Mr. Avnish Singh, Adv.
Mr. Sushant Yadav, Adv.
Mr. Ayush Negi, Adv.
Ms. Sunita Pandit, Adv.
Ms. Asha Gopalan Nair, Adv.

Ms. Anu Gupta, Adv.

Mr. Shail Kumar Dwivedi, Adv.
Mr. Gunnam Venkateswara Rao, Adv.
Mr. Siddharth Krishan Dwivedi, Adv.

M/s. Vidhi International, Advs.

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Mr. Naushad Ahmad Khan, Adv.

Mr. Jasbir Singh Malik, Adv.
Mr. Varun Punia, Adv.
Mr. Nitin Kumar, Adv.

For Respondent(s) Mr. Irshad Ahmad, AAG., UP.

Mr. Abhish Kumar, Adv.

Mr. Santosh Kumar Tripathi, Adv.

Mr. C.L. Sahu, Adv.

Mr. Rajiv Ranjan Dwivedi, Adv.

Mr. Vipin Kumar Jai, Adv.

UPON hearing counsel the Court made the following

O R D E R

In Contempt Petition (C) No.347 of 2010, the complaint of the petitioners is that, despite our directions in S.L.P. (C) No.20558 of 2009 contained in Paragraph 32 of the said judgement, some of the candidates, who were covered by the decision, had been left out of consideration when the lists were finalised by the State Government with regard to the accommodation of the Pharmacists, both in regard to those who had qualified earlier than 2002 when the new Rules were introduced, and those who were amenable to the new Rules. The directions contained in our aforesaid judgement were quite clear that we were treating those candidates, who had obtained Diplomas in Pharmacy prior to 2002, as one single group, and that it was also our intention that the benefits which were to be given to the petitioners before us were also to be given to similarly situated candidates.

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Today, when the matter is taken up, Mr. Irshad Ahmad, learned counsel appearing for the State of Uttar Pradesh and also for the alleged contemnors, has submitted that an affidavit has been filed by the Director General, Medical and Health Services, Uttar Pradesh, wherein in Paragraph 7, it has been indicated that, in terms of our judgement, the respondents had prepared a merit list concerning candidates, who had obtained Diplomas upto the year 1998, but that the respondents-alleged contemnors were ready and willing to take into consideration those candidates who were similarly circumstanced upto the year 2002, when the new Scheme was

sought to be introduced. Mr. Irshad Ahmad has also submitted that the said undertaking given to the Court shall be duly implemented within two months from date in keeping with the vacancies available. However, this should not be interpreted to mean that those who cannot be accommodated now will not be accommodated prior to those candidates who come within the zone of consideration by virtue of the Scheme of 2002. The second part of the list, which has been submitted on behalf of the State, shall not be given effect to, until these directions have been complied with.

All the contempt petitions are disposed of accordingly.

[T.I. Rajput]
A.R.-cum-P.S.

[Juginder Kaur]
Assistant Registrar