

ITEM NO.301+303

COURT NO.3

SECTION XII

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

I.A. 15-18 in Civil Appeal No(s). 5877-5878/2014

SECRETARY TAMILNADU PUBLIC SERVICE COMM

Appellant(s)

VERSUS

A.B.NATARAJAN & ORS.ETC.

Respondent(s)

(for modification/clarification and office report)

WITH

I.A.No. 3 in C.A. No. 5879/2014

(With appln.(s) for modification/clarification and Office Report)

I.A.Nos. 23-24 in C.A. No. 5880-5881/2014

(With appln.(s) for modification/clarification and Office Report)

R.P. (C) 210-211 of 2015 in C.A.No. 5880-5881/2014

(for c/delay in filing Review Petition and for oral hearing)

I.A.Nos. 41-42 in C.A. No. 5882-5883/2014

(With appln.(s) for modification/clarification and appln.(s) for permission to file additional documents and Office Report)

I.A.No. 3 in C.A. No. 5884/2014

(With appln.(s) for modification and Office Report)

R.P.(C) No. 2025-2026/2014 In C.A. No. 5877-5878/2014

(With appln.(s) for oral hearing)

CONMT.PET.(C) D 31357/2014 IN I.A.Nos. 15-16/2014 in C.A. No. 5882-5883/2014

CONMT.PET.(C) D 31358/2014 In I.A.No. 24/2014 in C.A. No. 5880-5881/2014

with

R.P. (C) 2628-2629 of 2014 in C.A.No. 5882-5883/2014

(with application for hearing in open court and c/delay in filing Review Petition)

R.P. (C) 201-202/2015 in C. A. No. 5882-5883 of 2014

(with application for c/delay in filing Review Petition and directions)

Date : 21/01/2015 These applications and petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE DIPAK MISRA

For Appellant(s)	<p>Mr. Mukul Rohtagi, Attorney General Mr. Subramonium Prasad, AAG Mr. B. Balaji, Adv. Mr. Rakesh Sharma, Adv. Ms. Meha Agarwal, Adv Ms. Shase, Adv. Mr. Paramveer, Adv.</p> <p>Mr. K. Parasaran, Sr. Adv. Mr. V. Balachandran, Adv. Mr. A. Lakshminarayanan, Adv.</p> <p>Mr. A. K. Ganguly, Sr. Adv. Mr. Shekhar Naphade, Sr. Adv. Mr. R. Thirmulani, Adv. For Mr. Ashok K. Mahajan, Adv.</p> <p>Mr. Gopal Subramaniam, Sr. Adv. Mr. M. Yogesh Kanna, Adv. Mr. Niraimati, Adv.</p> <p>Mr. P. S. Patwalia, Sr. Adv. Mr. S. J. Aristotle, Adv. Mr. Prabhu Ramasubramanian, Adv.</p> <p>Mr. H. P. Raval, Sr. Adv. Mr. Anand Verma, Adv. Mr. V. G. Pragasam, Adv.</p> <p>Mr. Jayanth Muth Raj, Adv. Mrs. Malavika J., Adv. For Mr. Sureshan P., Adv.</p>
I.A.No. 19-20	<p>Mr. Subhashish Bhowmick, Adv. Mr. Kunal Malik, Adv. Mr. A. K. Mishra, Adv.</p>
For Respondent(s)	<p>Dr. Rajeev Dhavan, Sr. Adv. Mr. Prashant Bhushan, Adv. Mr. N. Subramaniyan, Adv. Mr. B. V. Chandan, Adv. Mr. M. Y. K. Moorthy, Adv. Mr. Pranava Sachadeva, Adv. For Mrs. T. Anamika, Adv.</p>

Mr. G. Ananda Selvam, Adv.
Mr. Ram Sankar, Adv.

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

In pursuance of notice issued on 19.11.2014 to the Union Public Service Commission (in short, "UPSC"), Ms. Binu Tamta, learned counsel, has appeared for the UPSC.

Heard the learned counsel appearing for all the parties at length.

Upon hearing the learned counsel for the parties, we find that in all 91 candidates' answer sheets were in dispute. Out of the said 91 candidates, whose answer sheets were questioned, it has been submitted at the Bar that 15 candidates have already resigned, while 3 candidates did not join service and eight candidates have been declared successful by the High Court. Thus, in all, the dispute is with regard to 65 answer sheets.

It is directed that the said answer sheets shall be forwarded by the Tamil Nadu Public Service Commission (in short, "TNPSC") to the UPSC for the following purpose :-

The UPSC shall forward the said answer sheets to an expert, who shall not re-examine those answer sheets but shall examine whether the candidates answering the questions had given any indication in the answer sheets to reveal their identity. The expert shall also note the fact that the High Court had examined the answer sheets and had cleared 8 answer sheets, wherein the candidates had not given any indication

with regard to their identity. The expert shall forward his report to the UPSC and the said report shall be forwarded by the UPSC along with its comments in a sealed cover to this Court.

The expert shall look into the said 8 answer sheets for the purpose of ascertaining the basis upon which, the said eight answer sheets were found flawless and follow the same criteria.

The TNPSC shall forward the 8 answer sheets which have been cleared by the High Court of Madras to the UPSC. Thus, two sets of answer sheets, namely, 65 & 8 shall be put in two separate sealed covers and be forwarded to the UPSC along with all the instructions which had been given to the candidates who had undertaken the examination within two weeks from today.

The UPSC shall complete the aforesaid exercise within two months from the date of receipt of the aforesaid material by it.

List on 06.05.2015 at 02.00 PM.

Interim order, granted on 27.08.2014, shall continue.

(Jayant Kumar Arora)
Sr. P.A.

(Sneh Bala Mehra)
Assistant Registrar