

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ Petition (Civil) No 294 of 2015

Salam Samarjeet Singh

... Petitioner(s)

Versus

The High Court of Manipur and Anr

... Respondent(s)

ORDER

1 On 7 October 2016, there was a difference of opinion in the two Judge Bench which was hearing Writ Petition (Civil) No 294 of 2015 differed. The petition was placed before a three-Judge Bench on 10 August 2017, when the following order was passed:

“We have been apprised at the Bar by learned senior counsel appearing for both the sides that similar question of law has been referred to the Constitution Bench in *Tej Prakash Pathak vs. Rajasthan High Court* [(2013) 4 SCC 540].

In view of the above, let this matter be tagged with the same.”

2 The direction to place the case for hearing together with the reference to the Constitution Bench in **Tej Prakash Pathak v Rajasthan High Court**¹ was in view of the submission of counsel appearing on behalf of the contesting parties that a similar question of law has been referred.

1 (2013) 4 SCC 540

3 During the course of the hearing, Mr Rana Mukherjee, senior counsel appearing on behalf of the petitioner, submits that the following three questions would arise in the case:

1. Can executive instructions in the form of a resolution of the Full Court override statutory rules made under Article 234/309?
2. Can the criteria of cut off marks be introduced by a Full-Court Resolution without amending the rules after the written test is over without informing the successful candidate?
3. Whether such a course of action amounts to procedural fairness/unfairness?

4 Mr Vijay Hansaria, senior counsel appearing on behalf of the High Court of Manipur, submits that he would wish to raise certain other questions.

5 During the course of the hearing, it emerges from the submissions of counsel that a reference to the Constitution Bench along the lines in **Tej Prakash Pathak** is unnecessary since the issue which is referred to the Constitution Bench is not raised here. The difference of opinion between the two Judges would have to be resolved by a three-Judge Bench.

6 We accordingly direct the Registry to add the present case to the list of three-Judge Bench matters and seek direction on the administrative side for listing the petition before an appropriate Bench at an early date.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Hrishikesh Roy]

.....J.
[Pamidighantam Sri Narasimha]

.....J.
[Pankaj Mithal]

.....J.
[Manoj Misra]

New Delhi;
July 12, 2023
-S-

ITEM NO.501

COURT NO.1

SECTION XV

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(s).2634/2013

TEJ PRAKASH PATHAK & ORS.

Appellant(s)

VERSUS

RAJASTHAN HIGH COURT & ORS.

Respondent(s)

WITH

W.P.(C) No. 165/2017 (X)
(WITH IA No. 132815/2021 - CLARIFICATION/DIRECTION)

SLP(C) No. 21592/2013 (XIV)
(WITH IA No. 2/2013 - PERMISSION TO FILE ANNEXURES)

SLP(C) No. 29275/2013 (XIV)

W.P.(C) No. 294/2015 (X)
(WITH IA No. 4/2017 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 3/2016
- DIRECTION, IA No. 1/2015 - PERMISSION TO FILE ADDL. DOCUMENT)

W.P.(C) No. 229/2017 (X)
(WITH IA No. 102021/2021 - EARLY HEARING APPLICATION, IA No.
95246/2018 - EARLY HEARING APPLICATION)

W.P.(C) No. 379/2017 (X)
(WITH IA No. 102102/2021 - EARLY HEARING APPLICATION)

W.P.(C) No. 618/2017 (X)
(WITH IA No. 100975/2020 - EARLY HEARING APPLICATION)

SLP(C) No. 4999/2018 (XV)

C.A. No. 2636/2013 (XV)

C.A. No. 2635/2013 (XV)

SLP(C) No. 31763/2013 (XIV)
(WITH IA No. 1/2013 - CONDONATION OF DELAY IN FILING)

W.P.(C) No. 421/2016 (X)

W.P.(C) No. 232/2017 (X)
(WITH IA No. 108282/2019 - EARLY HEARING APPLICATION)

W.P.(C) No. 735/2021 (X)

(WITH IA No. 28154/2022 - APPLICATION FOR PERMISSION, IA No. 33539/2022 - CLARIFICATION/DIRECTION, IA No. 76629/2021 - STAY APPLICATION)

W.P.(C) No. 1073/2022 (X)

(WITH IA No. 8802/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 185951/2022 - EX-PARTE AD-INTERIM RELIEF)

W.P.(C) No. 1146/2022 (X)

(FOR ADMISSION and IA No.202533/2022-EX-PARTE AD-INTERIM RELIEF
IA No. 202533/2022 - EX-PARTE AD-INTERIM RELIEF)

Date : 12-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) Dr. Ritu Bhardwaj, Adv.
501 (CA 2634/13) Mr. Mohan Kumar, AOR
501.9(CA2636/13) Ms. Neetu Singh, Adv.
Ms. Asia Beg, Adv.

501.1 (WP 165/17) Mr. Vivek Narayan Sharma, Adv.
Mrs. Mahima Bhardwaj Kalucha, Adv.
Mr. Dinesh Sharma, Adv.
Mr. Ajay Singh, Adv.
Ms. Laksha Bhavnani, Adv.
Mr. Adhiraj Wadhera, Adv.
Mr. Rohit Sharma, Adv.
Mr. Devendra Singh, AOR

501.2 (SC21592/13) Mr. Chetan Garg, Adv.
Mr. Biswajit Prasad, Adv.
Mr. Ajay Vikram Singh, AOR
Mrs. Priyanka Singh, Adv.
Mrs. Garima Singh, Adv.
Mr. Shubham Singh, Adv.
Mr. Omkar, Adv.
Mr. Pankaj Kumar, Adv.

501.3 (SC29275/13) Mrs. B. Sunita Rao, AOR
501.11 (SC31763/13) Mr. Ranjeet Kumar, Adv.
Mr. Gunmaya S. Mann, Adv.
Mr. S. Popli, Adv.
Mr. Anant Kumar, Adv.
Mr. Bipin Kumar, Adv.

- Ms. Jaya Kiran, Adv.
Ms. Jyoti Singh, Adv.
Mr. Uday Praksh, Adv.
- 501.4(WP294/15) Mr. Rana Mukherjee, Sr. Adv.
Mr. Rajiv Mehta, AOR
Mr. Ahanthem Henry, Adv.
Mr. Ahanthem Rohen Singh, Adv.
Mr. Vivek Kumar, Adv.
Mr. Mohen Singh, Adv.
Ms. Priyanka, Adv.
- 501.5(WP229/17) Mr. P. V. Dinesh, AOR
501.6(WP379/17) Ms. Oommen Anna A, Adv.
Ms. Urvashi Chauhan, Adv.
- 501.6(WP379/17) Mrs. Haripriya Padmanabhan, Adv.(for P-2)
Mr. Kuriakose Varghese, Adv.(for P-4)
Mr. V. Shyamohan, Adv.
Mr. Shrutanjaya Bhardwaj, Adv.
Ms. Isha Ghai, Adv.
Mr. Akshat Gogna, Adv.
For M/S. Kmp Law
- 501.6(WP379/17) Mr. Niranjana Reddy, Sr. Adv.
Mr. Sriram Parakkat, Adv.
Mr. M.S.vishnu Sankar, Adv.
Mr. Koshy John, Adv.
Mr. Sreenath S, Adv.
Ms. Athira G. Nair, Adv.
Ms. Divya Jyoti Singh, Adv.
Mr. Aditya Santosh, Adv.
For M/S. Lawfic, AOR
- 501.7(WP618/2017) Mr. V. Chitambaresh, Sr. Adv.
Mr. Lakshmeesh S. Kamath, AOR
Ms. Samriti Ahuja, Adv.
Mrs. Sakshi Banga, Adv.
Mrs. Chitra Parande, Adv.
Mr. Kaustubh Shukla, Adv.
Ms. Nancy Shamim, Adv.
Mr. C. Govind Venugopal, Adv.
- 501.7(WP618/2017) Mr. Prakash Ranjan Nayak, AOR
- 501.8 (SC4999/18) Mr. Ashok Panigrahi, Adv.
Mr. Sanjeev Kumar, AOR
Mr. Naik H.k., Adv.
Mr. Ajay Amritraj, Adv.
Mr. Vivek Kumar, Adv.

501.12(WC421/16)	Mr. Nikilesh Ramachandran, AOR
501.13(WP232/17)	Mr. Raghenth Basant, Adv. Ms. Liz Mathew, AOR Ms. Mallika Agarwal, Adv.
501.14(WP735/21)	Mr. Rameshwar Singh Malik, Sr. Adv. Mr. Jitesh Malik, Adv. Mr. Abhaya Nath Das, Adv. Mr. Yogendra Kumar Verma, Adv. Mr. Satish Kumar, AOR
501.15 (WP1073/22)	Ms. Shraddha Deshmukh, AOR Mr. Nikhil Singhvi, Adv. Mr. Bilal Ikram, Adv. Mr. Utkarsh Kokcha, Adv.
501.16(WP1146/22)	Mr. Rishabh Sancheti, Adv. Ms. Padma Priya, Adv. Mr. Anchit Bhandari, Adv. Mr. Suyash Jain, Adv. Mr. Chirag Kalani, Adv. Mr. K. Paari Vendhan, AOR
For Respondent(s)	Mr. K.M. Nataraj, ASG
Kerala HC	Mr. Dama Seshadri Naidu, Sr. Adv. Mr. T. G. Narayanan Nair, AOR Mr. Ramesh Babu M.R., Adv. Ms. Shivali Seshadri Naidu, Adv. Ms. Shivali Chaudhary, Adv.
Rajasthan HC	Mr. Pawanshree Agrawal, Adv. Mr. Sunil Kumar Jain, AOR Ms. Rashika Swarup, Adv.
Patna HC	Mr. Gaurav Agrawal, AOR
Gauhati HC	Mr. P. I. Jose, AOR Mr. James P. Thomas, Adv. Mr. Ravi Sagar, Adv.
Gujarat HC	Mr. Nikhil Goel, AOR Ms. Naveen Goel, Adv. Mr. Kartik Kaushal, Adv. Mr. Adhitya Koshy Roy, Adv. Ms. Sidhi Gupta, Adv.
Manipur HC	Mr. Vijay Hansaria, Sr. Adv. Mr. Maibam Nabaghanashyam Singh, AOR Mr. Mahesh Thakur, Adv.

Mr. Shakti K Pattanaik, Adv.

Ms. Diksha Rai, AOR
Ms. Ragini Pandey, Adv.

Mr. Rameshwar Prasad Goyal, AOR
Mr. Manish Goswami, Adv.
Mr. C M Angadi, Adv.

Ms. Deepanwita Priyanka, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Abraham C. Mathew, Adv.
Mr. Alim Anvar, Adv.

Mr. Debojit Borkakati, AOR

Mr. Prashant Padmanabhan, AOR

Mr. P. A. Noor Muhamed, AOR
Mr. Sunny Markose, Adv.
Mr. Mohamad Shareef K.p., Adv.
Mrs. Giffara S., Adv.
Mr. A. Nowfal, Adv.
Mr. A. Shukoor, Adv.
Mr. Shereef Ka, Adv.

Dr. K.P. Kylasnatha Pillay, Sr. Adv.
Ms. Rashmi Singhanian, AOR

Mr. Ranjith K. C., AOR
Ms. Niveditha R. Menon, Adv.
Mr. Aditya Verma, Adv.

Mr. Lalit Kumar, AOR
Mr. Anil Kumar, AOR

Mr. Ranbir Singh Yadav, Adv.
Ms. Anzu. K. Varkey, AOR
Mr. N.P.rakeesh Panicker, Adv.
Ms. Mahesh Sharma, Adv.

Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR

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

Civil Appeal No(s).2634/2013, W.P.(C) No. 165/2017, SLP(C) No. 21592/2013, SLP(C) No. 29275/2013, SLP(C) No. 4999/2018, C.A. No. 2636/2013, C.A. No. 2635/2013, SLP(C) No. 31763/2013, W.P.(C) No. 421/2016, W.P.(C) No. 735/2021, W.P.(C) No. 1073/2022, W.P.(C) No. 1146/2022, SLP(C) No. 4999/2018

- 1 List the matters tomorrow (13 July 2023) as part-heard matter.

W.P.(C) No. 294/2015

- 2 In terms of the signed order, we direct the Registry to add the present case to the list of three-Judge Bench matters and seek direction on the administrative side for listing the petition before an appropriate Bench at an early date.

W.P.(C) No. 229/2017, W.P.(C) No. 379/2017, W.P.(C) No. 618/2017, W.P.(C) No. 232/2017

- 3 The petitions are disposed of in terms of the signed reportable judgment.
- 4 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR
(one signed order and one reportable judgment are placed on the file)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR