

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. 725/2020 IN SLP(C) NO. 20558/2009

SATISH KUMAR & ORS.

PETITIONER(S)

VERSUS

AMIT MOHAN PRASAD & ORS.

RESPONDENT(S)

(IA No. 90808/2021 - APPLICATION FOR PERMISSION
IA No. 8529/2022 - CLARIFICATION/DIRECTION
IA No. 4652/2022 - CLARIFICATION/DIRECTION
IA No. 90810/2021 - EXEMPTION FROM FILING O.T.
IA No. 4653/2022 - EXEMPTION FROM FILING O.T.
IA No. 105248/2020 - EXEMPTION FROM FILING O.T.
IA No. 42206/2022 - EXEMPTION FROM FILING O.T.
IA No. 103086/2022 - INTERVENTION APPLICATION
IA No. 154544/2021 - INTERVENTION/IMPLEADMENT
IA No. 11489/2023 - INTERVENTION/IMPLEADMENT
IA No. 154478/2021 - INTERVENTION/IMPLEADMENT
IA No. 30284/2022 - INTERVENTION/IMPLEADMENT
IA No. 192014/2022 - INTERVENTION/IMPLEADMENT
IA No. 87093/2021 - INTERVENTION/IMPLEADMENT
IA No. 110434/2021 - INTERVENTION/IMPLEADMENT
IA No. 163929/2022 - INTERVENTION/IMPLEADMENT
IA No. 78930/2021 - INTERVENTION/IMPLEADMENT
IA No. 101788/2021 - INTERVENTION/IMPLEADMENT
IA No. 8525/2022 - INTERVENTION/IMPLEADMENT
IA No. 155118/2022 - INTERVENTION/IMPLEADMENT
IA No. 29301/2021 - INTERVENTION/IMPLEADMENT
IA No. 100705/2021 - INTERVENTION/IMPLEADMENT
IA No. 143343/2022 - INTERVENTION/IMPLEADMENT
IA No. 24710/2021 - INTERVENTION/IMPLEADMENT
IA No. 100574/2021 - INTERVENTION/IMPLEADMENT
IA No. 1066/2021 - INTERVENTION/IMPLEADMENT
IA No. 99295/2021 - INTERVENTION/IMPLEADMENT
IA No. 4648/2022 - INTERVENTION/IMPLEADMENT
IA No. 98273/2021 - INTERVENTION/IMPLEADMENT
IA No. 167966/2021 - INTERVENTION/IMPLEADMENT
IA No. 70404/2023 - INTERVENTION/IMPLEADMENT
IA No. 42202/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 48664/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

CONMT.PET.(C) No. 184/2021 in SLP(C) No. 20558/2009 (XI)
(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
25219/2021

FOR EXEMPTION FROM FILING O.T. ON IA 25220/2021
FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 26935/2021
FOR impleading party ON IA 49121/2021
FOR INTERVENTION/IMPLEADMENT ON IA 49121/2021
FOR EXEMPTION FROM FILING O.T. ON IA 32402/2022
FOR impleading party ON IA 43131/2022
FOR INTERVENTION/IMPLEADMENT ON IA 43131/2022
FOR impleading party ON IA 114162/2022
FOR INTERVENTION/IMPLEADMENT ON IA 114162/2022
FOR EARLY HEARING APPLICATION ON IA 158275/2022
FOR DOCUMENT TAKEN ON RECORD ON IA 22426/2023
IA No. 22426/2023 - DOCUMENT TAKEN ON RECORD
IA No. 158275/2022 - EARLY HEARING APPLICATION
IA No. 25219/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 32402/2022 - EXEMPTION FROM FILING O.T.
IA No. 25220/2021 - EXEMPTION FROM FILING O.T.
IA No. 26935/2021 - EXEMPTION FROM FILING PAPER BOOKS
IA No. 114162/2022 - INTERVENTION/IMPLEADMENT
IA No. 43131/2022 - INTERVENTION/IMPLEADMENT
IA No. 49121/2021 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 261/2021 in SLP(C) No. 20558/2009 (XI)
(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
28649/2021

FOR EXEMPTION FROM FILING O.T. ON IA 28650/2021
FOR impleading party ON IA 118413/2021
FOR INTERVENTION/IMPLEADMENT ON IA 118413/2021
FOR impleading party ON IA 14785/2022
FOR INTERVENTION/IMPLEADMENT ON IA 14785/2022
FOR EXEMPTION FROM FILING O.T. ON IA 32557/2022
FOR impleading party ON IA 35417/2022
FOR INTERVENTION/IMPLEADMENT ON IA 35417/2022
FOR impleading party ON IA 59414/2022
FOR INTERVENTION/IMPLEADMENT ON IA 59414/2022
FOR impleading party ON IA 60431/2022
FOR INTERVENTION/IMPLEADMENT ON IA 60431/2022
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 60433/2022
FOR impleading party ON IA 104226/2022
FOR INTERVENTION/IMPLEADMENT ON IA 104226/2022
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 104234/2022
FOR impleading party ON IA 159294/2022
FOR INTERVENTION/IMPLEADMENT ON IA 159294/2022
FOR impleading party ON IA 25747/2023
FOR INTERVENTION/IMPLEADMENT ON IA 25747/2023
FOR impleading party ON IA 60381/2023
FOR INTERVENTION/IMPLEADMENT ON IA 60381/2023
IA No. 104234/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 60433/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 28649/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 32557/2022 - EXEMPTION FROM FILING O.T.
IA No. 28650/2021 - EXEMPTION FROM FILING O.T.

IA No. 60431/2022 - INTERVENTION/IMPLEADMENT
IA No. 59414/2022 - INTERVENTION/IMPLEADMENT
IA No. 35417/2022 - INTERVENTION/IMPLEADMENT
IA No. 60381/2023 - INTERVENTION/IMPLEADMENT
IA No. 25747/2023 - INTERVENTION/IMPLEADMENT
IA No. 14785/2022 - INTERVENTION/IMPLEADMENT
IA No. 159294/2022 - INTERVENTION/IMPLEADMENT
IA No. 118413/2021 - INTERVENTION/IMPLEADMENT
IA No. 104226/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 697/2021 in SLP(C) No. 20558/2009 (XI)
(FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 94222/2021
FOR EXEMPTION FROM FILING O.T. ON IA 94226/2021
FOR EXEMPTION FROM FILING O.T. ON IA 32506/2022
FOR APPLICATION FOR PERMISSION ON IA 43526/2022
FOR EXEMPTION FROM FILING O.T. ON IA 43529/2022
FOR INTERVENTION APPLICATION ON IA 113152/2022
FOR INTERVENTION APPLICATION ON IA 119389/2022
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
119391/2022
IA No. 43526/2022 - APPLICATION FOR PERMISSION
IA No. 43529/2022 - EXEMPTION FROM FILING O.T.
IA No. 32506/2022 - EXEMPTION FROM FILING O.T.
IA No. 94226/2021 - EXEMPTION FROM FILING O.T.
IA No. 94222/2021 - EXEMPTION FROM FILING PAPER BOOKS
IA No. 119389/2022 - INTERVENTION APPLICATION
IA No. 113152/2022 - INTERVENTION APPLICATION
IA No. 119391/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 53/2022 in SLP(C) No. 20558/2009 (XI)
(FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 43137/2022
FOR EXEMPTION FROM FILING O.T. ON IA 43138/2022
IA No. 43138/2022 - EXEMPTION FROM FILING O.T.
IA No. 43137/2022 - EXEMPTION FROM FILING PAPER BOOKS)

Date : 05-12-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Ramakant Reddy, Sr. Adv.
Mr. Sudeep Singh, Adv.
Mr. Kailashi Uday Kapoor, Adv.
Mr. Tilak Vij, Adv.
Ms. Neelam Singh, AOR

Mr. Sidharth Dave, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Ishan Kapoor, Adv.
Mr. Lalit Khanna, Adv.

Mrs. Gargi Khanna, AOR

Mr. Akshat Srivastava, AOR
Mr. Abhay Pratap Singh, Adv.
Mr. Gaurav Singh, Adv.

Mr. V N Sinha, Sr. Adv.
Mr. S. K. Verma, AOR
Mr. Saurabh Upadhyay, Adv.
Ms. Hardikaa, Adv.
Mr. Sanjay Kumar Mishra, Adv.
Ms. Tavishi Jain, Adv.
Mr. Gaurav Mahajan, Adv.
Mr. Vikas Verma, Adv.

Mr. V. Giri, Sr. Adv.
Mr. S . Nagamuthu, Sr. Adv.
Mr. Gopal Sankarnarayanan, Sr. Adv.
Ms. Saroj Tripathi, AOR
Mr. Mukesh K. Giri, Adv.
Mr. Naveen Kumar Tripathi, Adv.
Mr. J K Shukla, Adv.
Mr. B K Rai, Adv.
Mr. R. Sudhakaran, Adv.
Mr. Sumit Sharma, Adv.
Mr. Shubendu Shukla, Adv.

For Respondent(s)

Ms. Garima Prasad, Sr. A.A.G.
Mr. Vishnu Shankar Jain, AOR
Mr. Aviral Saxena, Adv.
Mr. Ajay Kumar Prajapati, Adv.
Ms. Mani Munjal, Adv.
Mr. Parth Yadav, Adv.

Mr. Romil Pathak, Adv.
Mr. C Aravind, Adv.
Mrs. Selvakumari Subramanian.s, Adv.
Mr. Aryan Pathak, Adv.
Mrs. Neha Pathak, Adv.
Mr. H.mannivanan, Adv.
Ms. Jagrati Singh, AOR

Mr. Kuldip Singh, AOR

Mr. Akshat Srivastava, AOR
Mr. Abhay Pratap Singh, Adv.
Mr. Gaurav Singh, Adv.

Mr. V. K. Shukla, Sr. Adv.
Ms. Parul Shukla, AOR
Ms. Shreya Bhojnagarwala, Adv.
Ms. Subhangi Pandey, Adv.

Mr. Shree Pal Singh, AOR

Mr. Chand Qureshi, AOR
Mr. Gaurav Yadav, Adv.
Mr. Rahul Mohod, Adv.
Mr. Sanjay Gyan, Adv.
Mr. Vijay Kumar, Adv.
Mr. Md.sadath Hussain, Adv.
Mr. Rama Kant Sharma, Adv.
Mr. Harsh Verma, Adv.

Mrs. Gargi Khanna, AOR

Mr. Siddharat Dave, Sr. Adv.
Mr. Yash Pal Dhingra, AOR
Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Shashank Singh, Adv.
Mrs. Gargi Khanna, Adv.
Mr. Mrinal Kumar Sharma, Adv.

Mr. Arvind Kumar Sharma, Adv.
Ms. Aniteja Sharma, Adv.
Mr. Raj Kishor Choudhary, AOR

Mr. Raj Singh Rana, AOR
Ms. Neelam Singh, AOR
Mr. Shashank Singh, AOR
Mr. Rameshwar Prasad Goyal, AOR

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

1. Applications for intervention and impleadment are allowed. The present contempt petitions have been filed by different sets of applicants alleging contempt of various orders passed by this Court.
2. This Court vide judgment and order dated 03rd August, 2010 held that the diploma holders governed by the 1980 Rules, having obtained their diplomas in Pharmacy prior to 1998 would be entitled to appointment. However, the said order was subsequently modified to the extent that the benefits were directed to be provided to all the pharmacists who had obtained their diplomas in Pharmacy prior to 2002.
3. In Contempt Petition (c) Nos.261/2021 and 53/2022 it is

contended that though the petitioners had obtained their diplomas in Pharmacy prior to 2002 and though they had applied in response to the advertisement of 12th November, 2007 (for short, '2007 advertisement') still they are not considered for appointment.

4. In Contempt Petition (c) Nos.184/2021 it is contended that though the petitioners had completed their course in 2002, the re-examination which was scheduled to be conducted at the end of the year 2002 was not conducted but subsequently came to be conducted in April, 2003. It is therefore contended that, though the petitioners had completed their course in 2002 itself, on account of non-conducting of the re-examination by the State they were deprived of completion of the course in 2002. It is submitted that it is not the fault of the petitioners that they could not complete the course in 2002 but only on account of lapse on the part of the State in conducting the examination on the due date, they are made to suffer. It is further contended in Contempt Petition (c) No.184/2021 that the State has indulged into discriminatory treatment, inasmuch as fifteen such candidates, who had cleared the re-examination in April, 2003 have been appointed.

5. Ms. Garima Prasad, learned Additional Advocate General appearing on behalf of the State of Uttar Pradesh submits that none of the petitioners have cleared the examination prior to 2002 and have therefore been rightly denied the appointment. She further submits that the petitioners are now attempting to raise a new grievance, which cannot be permitted in the contempt jurisdiction. She further submits that if such applications are belatedly entertained, it will lead to nothing else but opening a Pandora's box.

6. At the outset, we clarify that we are restricting our order only to the petitioners/parties before us. Taking into consideration the considerable gap of time, we clarify that no proceedings hereinafter would be entertained at the behest of any other candidate on the ground of being similarly circumstanced.

7. Insofar as the candidates who had passed their examination in 2002 and have applied in response to the 2007 advertisement there

should be no impediment in appointing them.

8. Insofar as the candidates who have completed their course in 2002 but could not appear in the re-examination, which was scheduled to be held at the end of 2002 but had to appear in the examination held in April, 2003. We are of the view that such candidates cannot be penalized on account of not holding the re-examination by the State in 2002. Having completed their course in 2002 merely because they have not cleared the examination in 2002 cannot be a ground to non-suit them, specifically when it is the State that failed to conduct the examination at the end of 2002.

9. In that view of the matter, we direct the Director General Medical & Health, Swasthya Bhawan, Lucknow, Uttar Pradesh to examine the cases of each of the applicants in these petitions in the light of what has been observed hereinabove. We further make it clear that:

i. That such of the persons who have completed their course in 2002 and who have applied in respect of 2007 advertisement would be held to be eligible.

ii. Such of the candidates though who have completed their course in 2002 could not appear for the re-examination in 2002 but have cleared their examination in April, 2003 and who have applied in response to the 2007 advertisement would also be held to be eligible.

10. Such an exercise would be completed within a period of 8 weeks from today and a compliance report be submitted to this Court by the next date of hearing.

11. Stand over to 8 weeks.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)