

ITEM NO.1501

COURT NO.11

SECTION XVII

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

Petition(s) for Special Leave to Appeal (C) No(s). 4310/2022

(Arising out of impugned judgment and order dated 23-02-2022 in LPA No. 201/2021 passed by the High Court Of Jharkhand At Ranchi)

BARUN KUMAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ORS.

Respondent(s)

([HEARD BY : HON'BLE AJAY RASTOGI AND HON'BLE C.T. RAVIKUMAR, JJ.] ...FOR ADMISSION and I.R. and IA No.35258/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.35259/2022-EXEMPTION FROM FILING O.T. and IA No.35260/2022-DELETING THE NAME OF PETITIONER/RESPONDENT)

WITH

SLP(C) No. 4443/2022 (XVII)

(FOR ADMISSION and I.R. and IA No.36527/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.36528/2022-EXEMPTION FROM FILING O.T. and IA No.36529/2022-DELETING THE NAME OF PETITIONER/RESPONDENT[TO BE TAKEN UP AT 2.00 P.M.])

SLP(C) No. 5338-5341/2022 (XVII)

(FOR ADMISSION and I.R. and IA No.44671/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.44672/2022-EXEMPTION FROM FILING O.T.)

SLP(C) No. 5409/2022 (XVII)

(FOR ADMISSION and I.R. and IA No.45204/2022-ADDITION / DELETION / MODIFICATION PARTIES and IA No.45198/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.45200/2022-EXEMPTION FROM FILING O.T. and IA No.45207/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES..)

T.P.(C) No. 1100/2022 (XVI-A)

(FOR ADMISSION)

Date : 25-08-2022 These petitions were called on for pronouncement of judgment today.

For Petitioner(s) Mr. Abhishek R. Shukla, Adv.
Mr. Md. Ali, AOR

Mr. Tushar Bakshi, AOR

Mr. Satyajeet Kumar, AOR

Mr. Brajesh Pandey, Adv.
Mr. Anilendra Pandey, AOR

For Respondent(s)

Mr. Kapil Sibal, SR. Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Anusha Nagarajan, Adv.
Mr. Samten D., Adv.
Mr. Sourabh Tandon, Adv.
Mr. Ritansh Vats, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Ms. Tanya Srivastava, Adv.

Mr. Shubhashis R. Soren, Adv.
Mr. Bhakti Vardhan Singh, AOR

Mr. Vatsalya Vigya, AOR

Mr. Puneet Jain, Adv.
Mr. Vigyan Shah, Adv.
Ms. Christi Jain, AOR
Ms. Shruti Singh, Adv.
Mr. Yogit Kamat, Adv.
Mr. Akshit Gupta, Adv.
Mr. Abhinav Deshwal, Adv.
Mr. Mann Arora, Adv.
Mr. Kamlesh Sharma, Adv.
Mr. Harendra Neel, Adv.
Mr. Umang Mehta, Adv.
Mr. Pukhraj Chawla, Adv.
Mr. Yash Joshi, Adv.
Ms. Shipra Singh, Adv.
Mr. Saran Sharma, Adv.
Ms. Pragya Seth, Adv.
Ms. Keshika Jain, Adv.

Mr. Arunabh Chowdhury, Sr. Adv.
Ms. Pragya Baghel, Adv.
Ms. Pallavi Langar, AOR
Mr. Vishnu Sharma, Adv.

Mr. Himanshu Shekhar, AOR
Mr. Parth Shekhar, Adv.

Mr. Gopal Shankaranarayanan, Sr. Adv.
Mr. Amit Agrawal, AOR
Mr. Vigyan Shah, Adv.
Ms. Tanya Srivastava, Adv.

Mr. Akshit Gupta, Adv.
Ms. Radhika Yadav, Adv.

Mr. Rajneesh Bhaskar, Adv.
Mr. S. R. Setia, AOR

Mr. Manoj Swarup, Sr. Adv.
Mr. Neelmani Pant, Adv.
Ms. Akanksha Mehra, AOR

Mr. Prashant Shukla, Adv.
Mr. S. Srivastava, Adv.
Mr. Shanker Singh, Adv.
Ms. Shreya Mishra, Adv.
Mr. Shonak Sharma, Adv.
Ms. A. Walia, Adv.
Mr. Satyajeet Kumar, AOR

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

Hon'ble Mr. Justice Ajay Rastogi pronounced the judgment of the Bench comprising of His Lordship and Hon'ble Mr. Justice C.T. Ravikumar.

Leave granted.

The appeals are allowed in terms of the signed reportable judgment. The operative part of the judgment reads as under:

"45. Though it has been observed by the High Court that equity may not be claimed by the candidates but this Court cannot be oblivious of the fact that such of the candidates who are working for sufficiently two years by this time and have completed their period of probation were not at fault at any point of time but because the interpretation acted upon by the Commission was not acceptable to the High Court, they became a victim and that apart, we are also of the view that what is being observed by the High Court may only be confined to 6th Combined Civil Services Examination, 2016 for the reason that the State has now introduced the scheme of Rules, 2021 and fresh process has been initiated under 7th Combined Civil Services Examination 2016. In the given circumstances, what has been observed by the High

Court may be one of the propositions in interpreting clause 12 and 13 of the advertisement but what is being considered by the Commission in its right earnest also cannot be ruled out.

46. It is well known that punctuation marks by themselves do not control the meaning of the statute when its meaning is otherwise obvious. The ordinary rule is that punctuation mark is a minor element in the interpretation of statute, more so, when it is a case of subordinate legislation. If we go through the scheme of the Rules 1951, we are clear that proviso to Rule 16 has to be read in conjunction to both Clause (a) and (b) and not to clause (b) in particular as being observed by the High Court in the impugned judgment.

47. It may be noticed that the judgment in *Joy Guria and others*(supra) referred to by the High Court is in reference to the preliminary examination and the Division Bench under the impugned judgment was influenced by those observations while examining the scheme of the main examination held by the Commission pursuant to 6th Combined Civil Services Examination, 2016. To the contrary, it was to be interpreted independently on the basis of the scheme of Rules 1951 read with Clause 12 and 13 of the advertisement.

48. Consequently, the appeals deserve to succeed and accordingly allowed. The impugned judgment of the High Court dated 23rd February, 2022 is hereby quashed and set aside. No costs.

TRANSFER PETITION (C) NO(S).1100 OF 2022

50. Having heard learned counsel for the petitioner, we find no reason to entertain the transfer petition and the same is accordingly dismissed. "

Pending application(s), if any, stands disposed of accordingly.

(MONIKA DEY)
COURT MASTER (NSH)

(Signed reportable judgment is placed on the record)

(ASHWANI THAKUR)
ASTT. REGISTRAR-cum-PS