

OB
CONTEMPT P.(Civil) 372 OF 2002
ITEM NO.2
AT 2.00 P.M.

Court No 3

SECTION XI

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

CONMT. PET. (C) NO. 372/2002 in C.A.No.962/1999

SHAMIM KHANAM

Petitioner (s)

VERSUS

K.B. PANDEY & ANR. Respondent (s)
(With Appln(s). for directions and impleading party and intervention
and exemption from filing O.T. and office report for direction)
For Final Disposal)

With

CONMT.PET.(Civil)No.395/2002 in C.A No. 968/1999
(With appln. for directions and office report) (For Final Disposal)

CONMT.PET.(Civil)No.396/2002 in C.A.No. 968/1999
(With appln. for exemption from filing O.T. and permission to file
contempt petitions and directions and office report)(For Final Disposal)

CONMT.PET.(Civil)No.415-416/2002 in C.A. No. 961-962/1999
(With appln. for exemption from filing O.T. and permission to file
contempt petitions and directions) (For Final Disposal)

CONMT.PET.(Civil)No.417/2002 in C.A. No. 968/1999
(With appln. for directions) (For Final Disposal)

CONMT.PET.(Civil)No.428-429/2002 in C.A. No. 963-964/1999
(With appln.or exemption from filing O.T.and directions) For Final Disposal)

CONMT.PET.(Civil)No.430/2002 in C.A. No. 963/1999
(With appln. for exemption from filing O.T. and directions)
(For Final Disposal)

CONMT.PET.(Civil)No.427/2002 in C.A. No. 972/1999
(With appln. for directions) (For Final Disposal)

CONMT.PET.(Civil)No.434/2002 in C.A. No. 968/1999
((With appln. for exemption from filing O.T. and permission to file
contempt petitions and directions) (For Final Disposal)

CONMT.PET.(Civil)No.446-447/2002 in C.A. No. 970-971/1999
(With appln. for directions) (For Final Disposal)

CONMT.PET.(Civil)No.437/2002 in C.A. No. 975/1999
(With appln. for directions) (For Final Disposal)

CONMT.PET.(Civil)No.448-449/2002 in C.A No. 961-962/1999
(With appln. for exemption from filing O.T. and directions)
(For Final Disposal)

CONMT.PET.(Civil)No.454/2002 in C.A. No. 968/1999
CONMT.PET.(Civil)No.462/2002 in C.A. No. 963/1999
CONMT.PET.(Civil)No.464/2002 in C.A. No. 963/1999
CONMT.PET.(Civil)No.465/2002 in C.A. No. 974/1999
CONMT.PET.(Civil)No.466/2002 in C.A. No. 974/1999

CONMT.PET.(Civil)No.467/2002 in C.A. No. 974/1999
CONMT.PET.(Civil)No.468/2002 in C.A. No. 974/1999
CONMT.PET.(Civil)No.494/2002 in C.A. No. 969/1999
CONMT.PET.(Civil)No.503/2002 in C.A. No. 969/1999
CONMT.PET.(Civil)No.495/2002 in C.A. No. 969/1999
CONMT.PET.(Civil)No.496-497/2002 in C.A. No. 961-962/1999
CONMT.PET.(Civil)No.498-499/2002 in C.A. No. 961-962/1999
CONMT.PET.(Civil)No.515/2002 in C.A. No. 961-962/1999
(with appln. for exemption from filing O.T. and directions)
I.A. No. 20-21 in C.A. No. 961-962/1999
(For modification of Court's order dated 20.02.2002)

CONMT.PET.(Civil)No.106/2003 in C.A. No. 968/1999
(With Office Report) (For Final Disposal)

CONMT.PET.(Civil)No.128/2003 in I.A. NO. 18-19 in C.A. No. 962/1999
(For Final Disposal)

CONMT.PET.(Civil)No.176/2003 in I.A. NO. 22 in C.A. No. 961/1999

I.A. No. 41 in CONMT.PET.(Civil)No.507/2002 in C.A. No. 963/1999
(For intervention)

CONMT. PET. (Civil) No. 222/2003 in C.A. No. 962/1999

CONMT. PET. (Civil) No. 224/2003 in C.A. No. 972/1999
(With appln. for exemption from filing O.T.)

CONMT. PET. (Civil) No. 225/2003 in C.P.(C) No. 430/2002 in
C.A. No. 963/1999 (With appln. for exemption from filing O.T.)

CONMT. PET. (Civil) No. 226/2003 in C.P.(C) No. 428-429/2002 in
C.A. No. 963/1999 (With appln. for exemption from filing O.T.)

CONMT. PET. (Civil) No. 227/2003 in C.P.(C) No. 507/2002 in
C.A. No. 963/1999 (With appln. for exemption from filing O.T.)

CONMT. PET. (Civil) No. 228/2003 in C.P.(C) No. 430/2002 in
C.A. No. 963/1999 (With appln. for exemption from filing O.T.)

CONMT. PET. (Civil) No. 229/2003 in C.A. No. 963/1999
(With appln. for exemption from filing O.T.)

CONMT. PET. (Civil) No. 230/2003 in C.A. No. 963/1999
(With appln. for exemption from filing O.T.)

AND

CONMT.PETN.(CIVIL) NO.287/2003 IN CA NO.963/1999 (with appln. for exemption from filing O.T
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Date : 28/08/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)
Ms. Sandhya Goswami, Adv.

Mr.Ranjit Kumar,Sr.Adv.,
Mr. T.N.Singh, Adv.
Mr.V.K. Singh,Adv.,

Dr.Rajeev Dhawan,Sr.Adv.,
M/s.Raj Kumar Gupta,Sheo Kr.Gupta,

Bishwajit Kr. Shahi, A.N. Bardiya, Advs.

Mr. Dhruv Mehta, Adv. for
M/s. K.L. Mehta & Co.

Mr. Anoop G. Chaudhary, Sr. Adv.,
Mr. Manoj K. Mishra, Mr. Sanjay Visen,
Mr. N.S. Bisht, Adv.

Mr. Pradeep Misra, Adv.

Mr. Kishore Kumar Patel, Adv.,
Mr. S.M. Garg, Adv.

Mr. A.S. Pundir, Adv.

Mr. R.D. Upadhyay, Adv.,
Mr. Syed Ali Ahmad, Mr. Syed Tanweer Ahmad,
Mr. V.N. Raghupathy, Advs.

Mr. Amit Bose, Mr. Kashal Yadav, Mr. Anil Hooda,
Mr. B.P. Singh, Mr. M.A. Chinnasamy, Advs.

Mr. Z.K. Faizan, Adv.,
Mr. Goodwill Indeevar, Adv.,

Mr. Dinesh Dwivedi, Sr. Adv.,
Mr. Vishwajit Singh, Mr. Tripurari Ray,
Mr. Ritesh Agrawal, Mr. Ravi Kumar Verma, Advs.

Ms. Manita Verma, Ms. Hemantika Wahi, Advs.

For Respondent (s)

Mr. R.N. Trivedi, ASG
Mr. Shail Kumar Dwivedi, Adv.,
Mr. Mahesh C. Kaushiwa, Adv.

Mr. Subodh Markandeya, Sr. Adv.,
Mr. Kamalendra Mishra, Adv.,
Mr. Rajeev Kumar Dubey, Adv.

For the parties: M/s. Mukti Chodhary, K. Sarda Devi, P.N. Gupta,
P.K. Jain, Shakil Ahmed Syed, Advs.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties.

In the affidavit tendered in Court today by Ashok Dixit, Special Secretary, Department of Secondary Education, State of Uttar Pradesh, it has been pointed out that for direct recruitment at present 50 posts of Principal, Government Inter College (Boys and Girls) and 47 posts of Senior Lecturers in D.I.E.T. are vacant.

It is contended by the learned counsel for the petitioners that U.P. Public Service Commission has erroneously rejected 45 applications.

Considering the aforesaid submissions, we direct that on the aforesaid vacant posts the State Government would appoint at least 52 persons strictly on the basis of the merit list which is tendered before this Court and a copy of which is given to the learned counsel for the petitioners within a period of two months from today. With regard to the remaining 45 posts, it would be open to the State Government to appoint 45 persons on purely ad hoc

basis on the basis of merit list tendered by the U.P. Public Service Commission to the State Government. However, it is made clear that their appointments would be subject to the result of the petitions, before the High Court, which may be filed by 45 aggrieved persons whose applications are rejected by U.P. Public Service Commission. If petitioners are aggrieved by the rejection of their applications by U.P.P.S.C., it would be open to them individually to approach the High Court with their grievances. For this purpose, U.P. Public Service Commission would hand over the reasoned order to the petitioners within a period of one week from today.

The High Court is requested to dispose of such petitions expeditiously. It is further made clear that appointment to these 97 posts would be after earmarking the reserved categories and thereafter on the basis of merit list prepared by the U.P. Public Service Commission for the year 1996 examination. If other vacancies still remain, appointments would be after taking into consideration merit list of 1997 examination and thereafter 1999 examination result.

Contempt petitions and I.As. are disposed of accordingly. It is made clear that no further contempt petitions or I.As. should be entertained by the Registry on this subject.

(Vijay Kumar Sharma)(Janki Bhatia)

AR cum PS to Hon.Judge Court Master