

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 (Civil) No(s).18510/2012

(From the judgement and order dated 18/05/2012 in DBCWP No.4677/2012 of the HIGH COURT OF RAJASTHAN AT JAIPUR)

HARI KISHAN

Petitioner(s)

VERSUS

RAJASTHAN HIGH COURT & ORS.

Respondent(s)

(With appln(s) for impleadment and prayer for interim relief)  
(FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 18511 of 2012  
(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 18512-18515 of 2012  
(With appln. for intervention and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 18516 of 2012  
(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 18517 of 2012  
(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 18518 of 2012  
(With prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

Date:16/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Sanjay Jain,Adv.

Mr. Sushil Kumar Jain,Adv.  
Mr. Puneet Jain, Adv.  
Ms. Christi Jain, Adv.

Mr. Anil Kumar,Adv.

Mr. Anurag Pandey,Adv.

Mr. Ravindra S. Garia,Adv.

Mr. Nikhil Singhvi,Adv.  
Mr. Abhishek Gupta,Adv.

For Respondent(s) Dr. Manish Singhvi,AAG,Raj.  
Mr. Amit Lubhaya,Adv.

Mr. Irshad Ahmad, Adv.  
Mr. Milind Kumar, Adv.

For R.P.S.C.

Mr. Rakesh K. Khanna, ASG  
Mr. Surya Kant, Adv.  
Mr. Pranav Vyas, Adv.  
Ms. Seema Rao, Adv.  
Mr. Dushyant Parashar, Adv.

Mr. Krishnanand Pandeya, Adv.

Dr. Sushil Balwada, Adv.

For the Rajasthan  
High Court

Mr. Abhinav Mukerji, Adv.  
Mr. Angad Kochhar, Adv.

Mr. Arjun Garg, Adv.

Mr. Girraj Prashad Sharma  
Respondent No.3 in-person.

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

Heard learned counsel for the parties.

Tentatively, we are of the opinion that all candidates who are shown to have passed the preliminary examination in the initial (original) declaration of result as also those declared successful on the basis of revised result ought to be permitted to sit in the written examination. We are, prima facie, of the opinion that the procedure adopted by the Rajasthan Public Service Commission in conducting a third exercise through different experts was not strictly in conformity with the directions issued by the Rajasthan High Court. However, looking at the over all interest of the candidates, we are of the opinion that it would be appropriate to maintain the result of the preliminary examination i.e. permitting all the successful candidates to sit in the written examination irrespective of whether they have succeeded in the first exercise or in the second exercise. This will also include the candidates who may have succeeded in the first exercise and may have been excluded on the basis of the subsequent exercise.

We are, further of the opinion that it would be in the interest of the judiciary if the Rajasthan High Court conducts the entrance examination for entry into Rajasthan Judicial Service in the future. We are also of the opinion that it would be desirable that the High Court in fact conducts the written examination in the present selection process also on the basis of the preliminary examination conducted by the R.P.S.C.

We direct Mr. Abhinav Mukerji, learned counsel appearing on behalf of the Rajasthan High Court to seek

instructions on the suggestions made by us in this order.

List these matters on 22nd January, 2013.

(SUKHBIR PAUL KAUR)  
COURT MASTER

(INDU BALA KAPUR)  
COURT MASTER

(Copy of this order be given to Mr. Abhinav Mukerji, learned counsel for the Rajasthan High Court today itself)