

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7724 OF 2012
(SPECIAL LEAVE PETITION(C.)NO.17409 OF 2012)

SUJIT KUMAR LENKA & ORS. ...APPELLANTS

VERSUS

STATE OF ORISSA & ORS. ...RESPONDENTS

WITH

C.A.NO. 7725 OF 2012 @ S.L.P.(C)NO.16631/2012

C.A.NO. 7727 OF 2012 @ S.L.P.(C)NO.16634/2012

C.A.NO. 7726 OF 2012 @ S.L.P.(C)NO.19643/2012

AND WITH

CONT.PET.(C)NO.339/2012 IN S.L.P.(C)NO.17409/2012

O R D E R

JUDGMENT

1. Leave granted in all the Special Leave Petitions.

2. We have heard learned counsel on both sides, including the learned counsel appearing for the intervenors.

3. These appeals are directed against the

judgment and order passed by the Orissa High Court in Writ Appeal No.95 of 2012, dated 12.04.2012.

4. At the time of hearing of these appeals, Shri P.N. Mishra, learned senior counsel appearing for the appellants in the lead matter would invite our attention to paragraphs 9 and 14 of the impugned judgment and order passed by the High Court. In our opinion, those paragraphs are the only relevant paragraphs which require to be considered by us, and, therefore, those paragraphs are extracted hereunder:

"9. Considering the aforesaid fact situation of the matter and taking into consideration the rights of the respondent-students and protecting the rights of the appellants on equity, it would be appropriate for this court to direct the committee to prepare a combined merit ranking list of 45 in-service candidates of 2012 and respondents-students and admit them in the PG Course of the year 2012 on the basis of their merit. We direct accordingly.

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14. In the result the writ appeals are allowed in part to the extent indicate above directing the P.G.Selection Committee to admit the respondents-students in all these writ appeals in the P.G. (Medical) Course for the year 2012 by allotting the subject for which they are entitled as per the combined ranking list to be prepared as per the direction issued above."

A bare reading of these paragraphs would demonstrate that the High Court, while disposing of the Writ Appeals, had directed the State Government and its authorities to prepare a combined merit ranking list of 45 in-service candidates of 2012 and left over in-service candidates of 2011, on the basis of their merit. In our opinion, since each academic year is a separate academic year, the High Court could not have directed for preparation of a combined merit ranking list of candidates for the year 2011 and 2012 and, therefore, we take exception to the aforesaid observations made by the High Court.

5. In the result, while allowing these appeals, we direct the State Government and its authorities, first to prepare a merit ranking list of 45 in-service candidates of 2012 and allot them seats according to their merit and, if for any reason, any seat or seats are left over after accommodating in-service candidates of the year 2011, those seats shall be allotted to the candidates of the year 2011, purely on their merit/(s). This exercise shall be completed by

the State Government and its authorities within 15 days from today and appropriate list be prepared, as directed.

6. If, for any reason, the intervenors have any other grievance, they can espouse that grievance in the same High Court.

7. It is clarified that we have not expressed any opinion on the merits of the intervenors' plea. Applications for intervention/impleadment are disposed of accordingly.

CONTEMPT PETITION(C)NO.339/2012 IN S.L.P.(C)NO.17409/2012:

In view of the orders passed in the above Civil Appeals, nothing survives in this Contempt Petition and the same is accordingly dismissed.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
OCTOBER 30, 2012

SUPREME COURT OF INDIA



JUDGMENT