

ITEM NO.13

COURT NO.2

SECTION X

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

Writ Petition(s)(Civil) No(s). 316/2017

G. SABITHA & ORS.

Petitioner(s)

VERSUS

HIGH COURT OF JUDICATURE AT HYDERABAD
 REP. BY ITS REGISTRAR GENERAL & ORS.

Respondent(s)

WITH

W.P.(C) No. 354/2017 (X)

W.P.(C) No. 371/2017 (X)

(IA No.41797/2017 - Appropriate orders/directions)

W.P.(C) No. 409/2017 (X)

(IA No.46349/2017 - direction application)

W.P.(C) No. 420/2017 (X)

(IA No.47135/2017 - Appropriate orders/directions)

Date : 10-05-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
 HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. V.V. S. Rao, Sr. Adv.
 Mr. P. Nagamohan Das, Sr. Adv.
 Mr. Prabhakar Parnam, Adv.
 Mr. Venkateswara Rao Anumolu, AOR

Mr. Ram Kishor Singh Yadav, AOR

For Respondent(s) Ms. Anitha Shenoy, AOR
 Ms. Srishti Agnihotri, Adv.
 Ms. Ramya Raj, Adv.

Mr. Guntur Prabhakar, AOR

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

W.P.(C) No. 316/2017:

Amongst the petitioners, only petitioner No.2 qualified for the interview. Thus, petition qua other petitioners has become infructuous and has accordingly, dismissed.

Insofar as petitioner No.2 is concerned, the result has been produced before us in a sealed cover. The said petitioner - Murali Mohan Kannoju make it against the BC-B vacancy.

The larger question arising from the issue whether the Judicial Officer who has already completed seven years in Bar being recruited for subordinate judicial services would be entitled for appointment as Additional District Judge against the bar vacancy is pending consideration before the Constitution Bench in SLP(c) No.14156/2016. Thus, this matter would be tagged with that Writ Petition so far as the main matter is concerned.

Now turning to the interim relief in the present matter, we must take note of the fact that there is great paucity of Judicial Officers. Petitioner No.2 has qualified in the written examination and interview. If the petitioner ultimately fails, he would be entitled to continue as a Judicial Officer in the Subordinate Judicial Service. However, if he succeeds, then petitioner No.2 would be entitled to permanently absorb in the Higher Judicial Services.

In view of the aforesaid position, we are of the view that the High Court may proceed to appoint petitioner No.2 to the Higher Judicial Services without his resigning from the Subordinate Judicial Service and subject to the result of the Constitution

Bench.

The issue of interim relief, accordingly, stand disposed of.

W.P.(C) No. 354/2017:

Amongst the petitioners, only petitioner No.6 qualified for the interview. The final result have been produced before us in a sealed cover.

Petitioner No.6 does not make it as there are more qualified candidates.

The petition is thus dismissed as infructuous.

Pending applications, if any, are also stand disposed of.

W.P.(C) No. 409/2017 & W.P.(C) No. 420/2017:

Since none of the petitioners qualified in the interview, these petitions are dismissed as infructuous.

Pending applications, if any, are also stand disposed of.

W.P.(C) No. 371/2017:

Learned counsel for the petitioners states that only petitioner No.2 cleared the preliminary examination and then appeared for the main examination, the result of which has not been declared qua the said petitioner.

Therefore, the petition qua petitioner No.1 and 3 is dismissed as infructuous.

Insofar as petitioner No.2 is concerned, in order to see whether he has obtained the minimum marks in written test to qualify for interview, let his result be produced in a sealed cover along with other results of qualified candidates.

Since none appears for the respondent today, this order be issued to the counsel representing the respondent as well as to the Registry of the High Court of Uttarakhand. Dasti, in addition, is also permitted.

List the matter on 24th July, 2018.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(RAJINDER KAUR)
BRANCH OFFICER