

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5760-5764 OF 2021

(Arising out of SLP (Civil) Nos.27116-27120 of 2018)

CHAIRMAN, FOOD CORPORATION OF INDIA & ANR. ETC. ...Appellants

VERSUS

MANOJ KUMAR SRIVASTAVA & ORS. ETC. ...Respondents

ORDER

Leave granted.

These appeals challenge the interim order dated 21.08.2018 passed by the High Court of Judicature at Allahabad in Civil Miscellaneous Writ Petition Nos.8601, 19018, 18976, 9565 of 2012 and 72605 of 2011.

These appeals arise out of selection initiated by the appellants *inter alia* in respect of 13 posts of Assistant General Manager (Legal) vide advertisement dated 08.01.2011. The number of advertised posts was thereafter raised to 17 vide subsequent communication.

The relevant criteria required to be fulfilled for the posts of Assistant General Manager (Legal) was as under:

“Assistant General Manager (Legal) (Post Code: 07) – Degree in Law from a recognized university, ii) At least 5 years experience in legal work Central/State Govt. or a Public/Private Sector Undertaking or 3 years practice at Bar.

Practice at Bar: Apart from providing the certificate from the concerned Bar Council/Association, the candidate shall be required to certify with appropriate evidence that she/he has represented in at least 5 matters in a year while practicing at the Bar.”

The respondent no.1 herein applied for the post. However, his application form did not indicate any details pertaining to the experience that was required in terms of criteria referred to hereinabove.

The respondent no.1 was successful in the written test and interview but his candidature was rejected by the appellants on the ground that he had failed to satisfy the required criteria.

This led to the filing of Writ Petition No.8601 of 2011 by the respondent no.1. Similar Writ Petitions were preferred by other candidates before the High Court. By an interim order dated 21.08.2018, which is presently under challenge, the following directions were issued by the Division Bench:

“Before we proceed to address the issue that has been noticed by us in our order dated 23.07.2018, to ensure that the Court does not waste its time in dealing with frivolous claim, we consider it appropriate to first ascertain whether the petitioners are in a position to submit appropriate evidence as required by the decision of the Select Committee to demonstrate that they fulfilled the eligibility criteria for appointment on the post of Assistant General Manager (Legal) (Post Code-VII) on the last date of filing of the application form under the advertisement.

We, accordingly, direct the Deputy General Manager (RPI), Food Corporation of India, New Delhi to notify a date after four weeks and within six weeks from today calling upon the petitioners as well as other applicants, who may be interested, to submit appropriate evidence of the nature that was considered fit by the Select Committee to ascertain whether the petitioners as well as other

candidates such as the petitioners, on the last date of submission of application form, as notified by the advertisement, held the requisite eligibility/qualification for the post of Assistant General Manager (Legal) (Post Code-VII).

For such exercise, it would be appropriate that the petitioners be intimated about the date by which they have to submit such appropriate evidence.

After the evidence is submitted by the petitioners/candidates, the Deputy General Manager (RPI), Food Corporation of India, New Delhi shall prepare a chart disclosing whether the petitioners have been able to submit the appropriate evidence in respect of their eligibility, as desired, or not. The said chart shall be filed along with an affidavit of the concerned respondents by the next date.”

Being aggrieved by the above directions the instant appeals have been preferred by the appellants.

Heard Mr. Ranjit Kumar, learned Senior Advocate in support of the appeals and Mr. Rakesh K. Khanna, learned Senior Advocate for the respondent no.1.

Our attention was invited by Mr. Ranjit Kumar, learned Senior Advocate to the challenge raised in respect of the very same advertisement in the High Court of Delhi where the challenge raised by the concerned candidates was rejected.

We need not go into the merits inasmuch as the matters are still pending consideration before the High Court. It must however be observed that the directions issued by the High Court at the interim stage were not called for.

Since this Court has already stayed the operation of the directions issued by the High Court, at the notice stage, while disposing of these appeals, we direct that the interim order passed by this Court staying the operation of the directions issued by the High Court, shall be the interim order during the pendency of challenge before the High Court.

With these observations, the instant Civil Appeals are disposed of, without any order as to costs.

Since the challenge is pending in the High Court for the last 10 years, we request the High Court to consider disposing of the pending writ petitions as early as possible and preferably within six months of the receipt of the copy of this order.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(BELA M. TRIVEDI)

NEW DELHI,
SEPTEMBER 17, 2021.