

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

MISCELLANEOUS APPLICATION NOS. 1729-1736 OF 2021

IN

R.P.(C) NO.1471/2020 IN W.P(C) NO. 936/2018, R.P(C) NO.1472/2020 IN W.P(C)NO. 897/2019, R.P.(C) NO.1473/2020 IN W.P(C) NO. 1471/2018, R.P.(C) NO.1475/2020 IN W.P(C)NO 464/2019, R.P.(C) NO.1476/2020 IN W.P(C) NO. 899/2019, R.P.(C) NO.1477/2020 IN W.P(C) NO.498/2019, R.P.(C) NO.1478/2020 IN W.P(C) NO. 610/2020, R.P.(C) NO.1479/2020 IN W.P(C)NO.967/2018.

DINESH KUMAR GUPTA AND ANR.

...Petitioners

Versus

THE HON'BLE HIGH COURT FOR JUDICATURE
OF RAJASTHAN AND ORS.

...Respondents

WITH

MISCELLANEOUS APPLICATION D.NO. 25663/2021

IN

R.P.(C) NO.1471/2020 IN W.P(C) NO. 936/2018

(Dinesh Kumar Gupta and anr. vs. The Hon'ble High Court for Judicature of Rajasthan and ors.)

ORDER

1. The substratum of these Review Petitions is that all 47 Judicial Officers promoted in the year 2010 and those who were appointed as direct recruits or

through LCE on 15.07.2013, to the cadre of District Judge were part of the same selection process and therefore the cyclic order ought to have been implemented.

2. After considering the Report of the Committee of five-Judges of the High Court and the rival submissions, this Court held that substantive promotion granted to those 47 Judicial Officers vide order dated 21.04.2010 could not be taken to be part of the same selection process where direct recruits and candidates through LCE were appointed to the cadre of District Judge on 15.07.2013. Reliance was placed on the decision of three-Judge Bench of this Court in ***K. Meghachandra Singh and Ors. v. Ningam Siro and Others***¹ which had overruled the decision of this Court in ***Union of India and Others v. N. R. Parmar and Others***².

3. It is also urged in the Review Petitions that certain observations made by this Court in paragraphs 8, 15 and 16 of the Judgment, on the basis of which conclusions were arrived at in paragraph no. 41, were without any basis and contrary to the material placed on record.

1 (2020) 5 SCC 689 : 2019 SCC Online SC 1494

2 (2012) 13 SCC 340

4. In paragraph 14 of the Judgment, the stand taken by the High Court in its affidavit filed in the matter of ***Malik Mazhar Sultan and ors. vs. U.P. Public Service Commission***³ was noted and some portion from that affidavit was quoted. Said affidavit was placed on record alongwith the reply filed by Mr. Sanchit Garg, learned Advocate on 28.08.2019 in Writ Petition (Civil) No. 936 of 2018.

5. The reply filed by the High Court dealt in ***Malik Mazhar***³ had dealt with steps taken pursuant to the Report dated 23.08.2008 of the Committee regarding grant of promotions to the post of Additional District and Sessions Judge (Regular) and Additional District and Sessions Judge (Fast Track). The events detailed in said reply show that the matter was considered by the Full Court in its meeting held on 20.03.2010, whereafter, the Committee convened its meeting on 5th and 6th April, 2010 and submitted its Report, which was then placed before the Full Court in its meeting held on 10.04.2010. Pursuant to the Resolution of the Full Court, the matter was again considered by the Committee on 12.04.2010 and 13.04.2010.

6. It was in this background that the formal order dated 21.04.2010 was passed by the State Government in view of the recommendations made by the High Court regarding promotion of those 47 Judicial Officers.

7. However, there appears to be a typographical error in paragraph 15, in that the matter was taken up by the Full Court on 20.03.2010 and not on 23.03.2010. All the other details were only by way of narration of factual developments. The sum and substance of the matter was the recommendation that 47 Judicial Officers be promoted to the posts of Additional District and Sessions Judges.

8. As dealt with in the Judgment under review, many of the direct recruits were not even eligible to be considered as on that date. The direct recruits and officers through LCE came to be appointed on 15.07.2013 i.e., more than three years after such promotion of those 47 Judicial Officers.

9. In *K. Meghachandra's*¹ case the promotees had entered the relevant grade in March, 2017, whereas, the direct recruits were appointed in August and November, 2007. Even then, the claim made on behalf of the direct recruits on the basis of the decision in *Parmar*² was rejected. This aspect was noticed in paragraph 41.3 of the Judgment under review.

10. In the circumstances, the persons who had entered the cadre more than three years earlier were found to be rightly placed *en block* senior to all the candidates selected through the process initiated pursuant to the notification dated 31.3.2011.

11. Thus, none of the grounds raised in the Review Petitions make out any error apparent on record to justify interference.

12. These Review Petitions are, therefore, dismissed.

13. No orders are called for on the Miscellaneous Applications.

14. The Registry is however directed to issue corrigendum and correct the error stated in paragraph 7 hereinabove.

.....J.
[Uday Umesh Lalit]

.....J.
[Vineet Saran]

New Delhi;
30th November, 2021.