

Union of India and Another

Vs

G. V. Bhakta Priya and Others

Civil Appeals Nos. 808-12 of 1971

(D. A. Desai, A. N. Sen, R. B. Misra JJ)

22.03.1984

ORDER

1. Writ Petitions Nos. 553, 562, 563 and 564 of 1969 were filed by several petitioners in Delhi High Court. The Union Public Service Commission invited the applications of suitable persons as per its advertisement dated February 22, 1969 for recruitment to permanent and temporary posts of Hindi Supervisors and Hindi Officers or equivalent posts in Ministries/Departments of the Government of India. In response to this advertisement number of persons including the petitioner before the High Court applied for the posts so advertised. The petitioners were informed that their applications were not entertained by the Union Public Service Commission on two grounds which have been specifically set out in the writ petitions. The petitioners challenged the legality and correctness of the reasons which prevailed with the Union Public Service Commission for not entertaining their applications. By a common judgment, the High Court held that the decision of the Union Public Service Commission not to entertain the applications was incorrect and issued a writ of mandamus directing the Union Public Service Commission to entertain their applications for the posts set out in the advertisement. This decision was rendered on February 11, 1970.

2. The Union of India having failed to obtain a certificate of fitness approached this Court under Article 136 of the Constitution and preferred the present five appeals by special leave.

3. While granting special leave to appeal, the record does not show that stay of the operation of the judgment of the High Court was granted. Therefore, the judgment of the High Court became operative. Neither side is in a position to shed light as to what happened pursuant to the mandamus granted by High Court and whether applications of the original petitioners, present respondents were entertained and what follow up action was taken.

4. The judgment of the High Court was rendered on February 11, 1970. Fourteen years have rolled by. Respondents may or may not have been selected. Even if these appeals succeed, if the petitioners were appointed and rendered service for fourteen years, the clock cannot be put back. By sheer passage of time, the appeals have become infructuous and stand disposed of accordingly with no order as to costs.

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