

SUPREME COURT OF INDIA

U.P. Public Service Commission

Vs.

Sanjay Kumar

(M.J. Rao and K.G. Balakrishnan JJ.)

26.07.2000

ORDER

M. JAGANNADHA RAO, J.

1. There are two respondents in this appeal of 1996. Both have been served and have chosen to remain ex-parte notwithstanding the fact that this Court has stayed the operation of the order of the High Court as long as back on 8.12.1995, at the time of issuing notice in the S.L.P.

2. The two respondents appear to have applied for the Combined State Upper Subordinate Services Preliminary Examination, 1993, pursuant to an advertisement. They were to conform to certain conditions mentioned by the Service Commission in the advertisement and the other Rules applicable to the examination. But, inasmuch as about two lakh applications had come, the procedure adopted by the Service Commission was to issue provisional admission cards enabling the candidates to take the examination upon their giving an undertaking that, if anything is wrong with their application, the result of their examination need not be declared.

3. According to the appellant Service Commission, there were two serious defects in regard to the two applicants/ respondents, and it was because of those defects, the result of their examination was not declared. The respondent filed a writ petition in the High Court of Allahabad and the Division Bench of the High Court on 7.12.95, passed the following order:-

After hearing Counsel for the parties, we dispose of this writ petition with a direction to the respondent commission to declare the result of the petitioner, stating whether he has failed or passed in the examination.

4. The above order does not contain any reason and does not say whether by virtue of the undertaking given by the respondent, the Commission was justified or not in withholding the result of the examination. The respondents have not chosen to appear either in person or through Counsel to defend the judgment of the High Court. As the respondents have not chosen to appear before this Court, in spite of the stay order granted by this Court, it appears to us that there is no point in remitting the matter to the High Court for re-consideration.

5. Inasmuch as no reasons are given in the judgment of the High Court, we set aside the said

judgment and dismiss the writ petition filed by the respondents.

6. The appeal is disposed of accordingly. There will be no order as to costs.