

SUPREME COURT OF INDIA

State of Uttar Pradesh

Vs.

Praveen Sharma

S.L.P. (C) No. 1349 of 2004

(Arijit Pasayat and C. K. Thakker JJ.)

23.08.2004

JUDGMENT

1. Leave granted.
2. Heard learned counsel for the parties.
3. The State of Uttar Pradesh questions the validity of judgment rendered by the Division Bench of the Allahabad High Court whereby the action taken by the State not to give effect to the selection of the respondents was held to be invalid.
4. It appears from the record that the State Government took note of the fact that some candidates who had degrees from the colleges like Sohagur Dhampur Ayurvedic Medical College were not eligible to be considered for appointment as Medical Officers. According to the State the degrees of such colleges were not recognised by the State for the purpose of appointment. A radiogram was issued by the State on 7.3.1992 to the concerned authorities in this regard. The respondents approached the High Court of Allahabad High Court by way of writ applications and interim orders were passed on 24.2.1992. The substance of the order was that the services of the writ petitioners were not to be terminated and they were to be permitted to work. The basic issue which appears to have been highlighted was the absence of opportunity to the writ petitioners to show that they possessed requisite qualifications. It appears that during the pendency of the matter show cause notices have been issued. The appropriate course according to us would be that a decision be taken by the State after consideration of the show cause reply, if any, to be filed by the present respondents. # In the circumstances, we permit the State to take a decision on the basis of the show cause notice and reply to be furnished by the respondents within four week from today if not already done. The State government shall be free to take the decision notwithstanding any observations made by the High Court in the impugned judgment. It is open to the parties to take such stand as is available in law. The exercise of finalising the matter shall be undertaken within three months from today. The appeal is accordingly disposed of.