

(Supreme Court Of India)

Secy., State of Karnataka & Others

v.

Umadevi & Others

C. A. Nos. 3595-3612 of 1999 with C. A. Nos. 1861-2063 of 2001, C. A. No. 3849 of 2001, S. L. P. (C) Nos. 9103-9105 of 2001 & C. A. Nos. 3520-3524 of 2002 | 28-10-2005

1. There are questions relating to service jurisprudence calling for a more detailed hearing in view of the far reaching implications and ramifications. Some of the issues are as under:

(1) Under the constitutional scheme should not proper selection and appointment be insisted upon and is it proper to recognize employments outside it as valid for the purpose of making them permanent and would it not amount subverting the constitutional scheme? Will it not amount to introducing a mode of appointment not recognized by the said scheme?

(2) What is the distinction between regularization and confirmation or permanence in service jurisdiction?

(3) Can the Court in exercise of its writ jurisdiction direct regularization or absorption in service though there are no posts or vacancies available for being filled up?

(4) To what extent the appointments made de hors the service rules or in breach of statutory provisions contained in the Act or Rules can be recognized by the Courts and accorded judicial approval?

2. Let these matters be posted for hearing afresh on the above issues and such other related issues as may arise for consideration during the course of hearing.

