

SUPREME COURT OF INDIA

Shridhar Shukla

Vs.

State of U.P.

C.A.No.1139 of 2010

(K.G. Balakrishnan CJI, V.S.Sirpurkar and Deepak Verma JJ.)

29.01.2010

ORDER

1. Leave granted.
2. Heard learned counsel for the petitioners and also learned counsel for the High Court.
3. In the District of Kaushambi vacancies of 21 Class-IV employees were notified for selection and appointment. Total 2423 candidates submitted their applications for selection. Though written test was not a requirement for the selection process, the Committee thought of conducting a written test but no marks were assigned for the written test and all candidates were called for interview and the same was held within two days and the appellants herein were selected and they were appointed. Some of the candidates who were unsuccessful in the selection, filed writ petitions challenging the selection. The learned Single Judge rejected their contentions and approved the selection made by the Committee.
4. Aggrieved by the same, they filed Writ Appeals before the High Court and the Division Bench, by the impugned judgment, set aside the selection and thereafter the appellants' services were terminated from 2008. Pursuant to the directions issued by the 2 Division Bench, we are told that the process of second selection is on and fresh applications have been called for and those who have not already submitted their applications were not required to submit fresh applications and they were also to be considered. In view of these circumstances, we do not propose to interfere with the impugned judgment. Accordingly, these appeals fail. However, we make it clear that in case any of these appellants are found to be over-aged, that shall not be ground for their disqualification for being selected for appointment.
5. With the above observations, we dispose of these appeals.

No costs.