

SUPREME COURT OF INDIA

Malik Mazhar Sultan

Vs.

U.P. Public Service Commission

C.A. No. 1867 of 2006

(D. K. Jain and H. L. Dattu JJ.)

16.08.2010

ORDER

1. The Special Leave Petition be de-tagged and listed before the appropriate bench within two weeks along with I. As.

“Re: State of Maharashtra C.A. No. 1867 of 2006”

2. Although status report with regard to the filling up of vacant posts of the District Judges and the Civil Judges has not been filed either by the High Court of Bombay or the State of Maharashtra, learned Counsel appearing for the High Court of Bombay states that as per his instructions, 12 candidates have been selected in the State Higher Judicial Service examination [District Judges (Direct)] and their names have been forwarded to the State Government for further action. He further states that the process for filling up of vacancies under the limited competitive examination (42) and the promotion quota (13) has already been initiated, but he is unable to indicate the time schedule by which the process will be completed. As regards promotions to the cadre of Civil Judge (Senior Division), learned Counsel submits that 60 vacant posts have been identified and the selection process has also been completed. The list of the selected candidates is likely to be placed before the Full Court for approval in the next week. Regarding filling up of vacancies of Civil Judge (Junior Division), according to the learned Counsel, all existing vacancies have already been filled up and an advertisement has been issued for filling up of future vacancies.

3. Let all these facts be placed on record by the High Court by way of an affidavit, which shall be filed within four weeks. List on 24th September, 2010.

In Re: State of Kerala

4. Learned Counsel for the State prays for some time to file the status report. Let him do so within two weeks. List on 10th September, 2010.

In Re: State of Andhra Pradesh

5. Neither the High Court nor the State is represented. Even the status report has not been filed by the High Court in terms of Order dated 20th April, 2010. Accordingly, we direct the Registrar General of the High Court as also the Secretary (Law), State of Andhra Pradesh to appear in person along with the relevant records on 10th September, 2010.

In Re: State of Jharkhand

6. A letter dated 9th July 2010 has been received from the Registrar General, wherein it is stated that in the on-going process of filling up of 65 vacancies of Civil Judge (Junior Division Munsif), interviews of successful candidates in the written examination held in 2008 were scheduled to be conducted by the Jharkhand Public Service Commission, Ranchi from 14th July, 2010 to 24th July, 2010. We are confident that by now, a final list of the successful candidates must have been drawn. We direct that the Public Service Commission shall declare the final result of the selected candidates within two weeks, if the same has not yet been done. Requisite steps for issue of appointment letters to the selected candidates shall be taken by the High Court in terms of order dated 4th January, 2007 expeditiously and a report to that effect shall be filed within four weeks. List on 24th September, 2010.

In re: State of Bihar

7. Status report is awaited from the High Court as also from the State. However, learned Counsel appearing for the State submits that 80 vacancies for which requisition had been sent by the High Court have since been notified and the recruitment process has been initiated. Let the State as well as the High Court file affidavits with regard to all the existing vacancies in the cadre of District Judge, Civil Judge (Senior Division) and Civil Judge (Junior Division). The affidavit shall be filed within three weeks. List on 10th September, 2010.

In re: State of Uttar Pradesh

8. Mr. Ashok S. Desai, learned Senior Counsel appearing for the State very fairly states that as per his instructions, appointment letters in respect of 81 promotees to the post of Additional District Judges shall be issued within a period of four weeks. As regards the appointment of the direct recruits to the post of Additional District Judges, learned Counsel submits that the question of their appointment has to be considered in a little greater detail. Be listed on 10th September, 2010.

9. We may clarify that the seniority of the 81 newly promoted officers vis-a-vis the direct recruits shall be subject to the final orders which may be passed at the time of consideration of the issue of appointment of direct recruits. List on 10th September, 2010.

In re: State of West Bengal

10. List on 10th September, 2010.

In re: Rest of the States/U. Ts.

11. List on 24th September, 2010.

12. All the High Courts and the State Governments shall file the latest status reports within four weeks from today.