

Malik Mazhar Sultan & Another

v.

U.P. Public Service Commission & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE D.K. JAIN HON'BLE MR. JUSTICE H.L. DATTU

Civil Appeal No. 1867 Of 2006 | 27-01-2011

Re: State of Rajasthan

As per the status report dated 13th January, 2011, filed by the High Court, a fresh recruitment process has to be initiated for filling up of 58 vacant posts (as on 31st December, 2010) for selection of District Judges (Direct and Limited Examination). It is stated that the said exercise has been necessitated because of the decision of the Full Court of the High Court cancelling the examination conducted pursuant to Notification dated 15th April, 2010.

Learned counsel appearing for the High Court points out that the said decision of the High Court has since been challenged but he is not aware as to whether any stay has been granted restraining the High Court for initiating fresh recruitment process.

As regards filling up of vacancies in the Civil Judge (Senior Division) as also in the Civil Judge (Junior Division), it is pointed out by learned counsel appearing for the State that recommendation for promotion of 60 officers from Civil Judge (Junior Division) to Civil Judge (Senior Division) has been received from the High Court this morning and the same shall be processed and notified within four weeks.

Similarly, the names of the selected candidates, forwarded by the State Government on the recommendation of the Public Service Commission, were received back from the High Court on 24th January, 2011. Learned counsel has assured us that the appointments shall be notified within four weeks.

Re: State of Karnataka

Having perused affidavit dated 14th January, 2011 filed by the High Court of Karnataka, we feel that, for the present, no further directions, except to request the High Court to expedite the amendment of the Recruitment Rules pertaining to the recruitment of Civil Judge (Junior Division), are necessary.

Re: State of Jammu & Kashmir

As per the affidavit filed by the High Court dated 12th January, 2011, for filling up 16 vacant posts of District Judges (Direct & Accelerated), the Chief Justice has constituted a Committee, and pursuant to the decision taken by the Committee written examinations for filling up of 11 vacant posts in the direct quota is scheduled to be held on 12th/13th February, 2011, and for filling up of 04 posts in limited competitive examination quota, the process has to be initiated. Learned counsel appearing for the State submits that limited competitive examination is also likely to be held in the month of February itself. We request the High Court to expedite the process of filling up of vacant posts of District Judges in direct, limited competitive examination as also for the promotees quota.

Re: State of Orissa

Learned counsel appearing for the High Court prays for some time to file a better affidavit detailing the steps being taken for filling up the vacant posts of District Judges as well as Civil Judges (Junior Division). Let the needful be done within four weeks. In the meantime, we direct the State Government to take steps for making appointments in the cadre of Civil Judge (Junior Division) as expeditiously as possible, preferably within four weeks from today.

I.A. NOS. 93 & 94 IN C.A. NO. 1867 OF 2006

Admittedly, the issue sought to be raised in the present applications is pending adjudication before the High Court on the judicial side. In that view of the matter, we refrain from issuing any directions in these applications. The applications are dismissed accordingly. However, since the issue raised in the present applications pertains to the selection process, initiated in the year 2007, we would request the High court to try to dispose of the pending matters as expeditiously as practicable. It goes without saying that we have not expressed any opinion on the merits of the applications. The cases pending before the High court shall be considered on their own merit uninfluenced by the dismissal of these applications.

I.A. NOS. 97 & 98 IN C.A. NO. 1867 OF 2006

Admittedly, the issue sought to be raised in the present applications is pending adjudication before the High Court on the judicial side. In that view of the matter, we are not inclined to entertain these applications.

The applications are dismissed accordingly.

However, we would request the High court to dispose of the pending cases on the issue as expeditiously as practicable. It goes without saying that we have not expressed any opinion on the merits of the applications. The matters pending before the High court shall be considered on their own merits uninfluenced by the dismissal of these applications.

I.A. NOS. 99 & 100 AND 101 & 102 IN C.A. NO. 1867 OF 2006

Learned counsel for the applicants seeks leave to withdraw the applications, stating that the applicants would like to approach the High Court. Accordingly, the applications are dismissed as not pressed.

I.A. NO. 79 IN C.A. NO. 1867 OF 2006

Let the application be listed when the State of Jharkhand is taken up.