

# **SUPREME COURT OF INDIA**

Donesh Rajput

Vs.

Pradeep Kumar Shukla

(Fakkir Mohamed Ibrahim Kalifulla and Shiva Kirti Singh JJ.)

15.07.2014

## **ORDER**

1. The respondents are at liberty to file their objections to IA NO. 5 of 2014 within four weeks.

2. However, pending consideration of the said application as regards the direction to be issued to the Principal Secretary (Law) for recalling his order dated 23rd September, 2013, we find that based on the figures available on record as regards the vacancies in the post of Pharmacists to be filled by direct recruitment - as many as 448 are disclosed as per Annexure-A1 to the reply affidavit of third respondent in this Contempt Petition No.115 of 2014. The contesting claimants for the above said post are stated to be more than 360 in number. Learned senior counsel Mr. Guru Krishna Kumar would contend that it may vary beyond 360 depending upon the applications made by the concerned candidates. Even as per the directions PAGE NO. 2 OF 4 CONT. PETN. 269/2012 of this Court in the judgment dated 3rd August, 2010 as contained in para 41, the claim of the above applicants had to be considered in the vacancies which have been ascertained by the Principal Secretary (Law) in his communication dated 27th September, 2013, which the total number of vacant posts was ascertained at 950. In the present Interlocutory Application filed in 2014, the State of Uttar Pradesh disputes the above figure and therefore seeks for a direction for ascertaining figure once over again.

3. Pending consideration of issuing any direction in that application, going by the admitted vacancies of 448, we see no impediment for considering the claim of the applicants which is stated to be more than 360. Therefore, pending passing final

orders in IA 5 of 2014, as well as, in the Contempt Petition No. 115 of 2014, the respondent-State is directed to consider the claims of the above applicants which is stated to be more than 360, on their own merits and whomsoever is eligible to be appointed to these posts, necessary appointment orders may be issued in accordance with PAGE NO. 3 OF 4 CONT. PETN. 269/2012 the judgment of this Court dated 3rd August, 2010. The said exercise be carried out by the respondent State within eight weeks from today. Call these applications thereafter along with the contempt petition. [KALYANI GUPTA] [SHARDA KAPOOR]