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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) No. 514 OF 2015
CENTRE FOR PUBLIC INTEREST LITIGATION Petitioner(s)

VERSUS

REGISTRAR GENERAL OF THE HIGH COURT OF DELHI Respondent(s)
WITH
WRIT PETITION (C) No. 712 OF 2015

O R D E R

Heard Mr. Prashant Bhushan, learned counsel appearing for the petitioner and Mr. Maninder Singh, learned Additional Solicitor General, along with Mr. A. D.N. Rao, learned counsel appearing for the Registrar General of the High Court of Delhi. We have also heard Mr. Sanjay R. Hegde, learned senior counsel appearing for the writ petitioner in W.P.(C) No. 712 of 2015.

Invoking the jurisdiction of this Court under Article 32 of the Constitution of India, Writ Petition (C) No. 514 of 2015 was filed asserting certain aspects in awarding marks to the candidates who appeared in the preliminary and also main examinations for Delhi Judicial Services, meant for 2014. Be it noted, after hearing the learned counsel for the parties on 14.12.2015, the following order was passed :-

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We have been apprised at the Bar that 659 candidates had qualified in the preliminary examination and appeared in the main examination and out of the same, 15 candidates have been selected

Signature Not Verified

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after facing the interview. It is not disputed by the learned counsel for the respondents that the total vacancies are 80 in number. Be that as it may. It is well settled in law that if the suitable candidates are not found, the employer is not obliged to fill up the posts. However, we desire to address the grievance of the petitioners who had appeared in the main examination and treat it as a special case and direct as follows:

(a)

The candidates who have not been qualified in the main examination to

appear in the interview, their papers shall be revalued on the parameters of the marks obtained by the last general category candidate who has been selected in the general category. If there are further reserved posts, the said parameter applicable to Scheduled Castes who have been selected shall also be adhered to in respect of the candidates who belong to Scheduled Castes. We may hasten to clarify, if there are no further posts in the reserved category, the said exercise need not be taken recourse to.

(b)

Regard being had to the fact that the papers have initially valued by the six examiners, we think it appropriate that a former Supreme Court Judge should be requested to revalue the answer papers as we have mentioned in paragraph (a).

(c)

If any candidate is found fit on the test applied as mentioned in paragraphs (a) and (b) above, they shall be called for interview by the same Board that had interviewed the earlier candidates.

(d)

We request Justice P.V. Reddi, formerly a Judge of this Court and the Former Chairman of the Law Commission of India to accept the assignment and carry out the exercise.

(e)

The High Court of Delhi is directed to provide appropriate

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accommodation, preferably a court room, and the requisite secretarial staff for the purpose of valuation. The High Court shall facilitate the travelling of Justice P.V. Reddi from his place of residence to the Delhi High Court and provide a vehicle till he is in Delhi.

(f)

Justice Reddi is requested to

commence the process on or before 10.01.2016. As the Delhi High Court has advertised for filling up rest of the vacancies, we would request Justice Reddi to make an effort to complete the valuation as expeditiously as possible, preferably within six weeks so that the advertised vacancies are in no way affected.

(g)

The fee payable to Justice P.V. Reddi shall be determined by this Court on the next date of hearing.

(h)

When we have said that the selected candidates whose answers script would be the parameter, it clearly conveys that selection of the selected candidates shall not be unsettled. The candidates who shall obtain the requisite marks in comparison to the 15 candidates shall be called for interview and in the ultimate eventuate, if they are selected, they would not be ranked senior to the candidates who have already been selected and appointed.

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In pursuance of the aforesaid order, Justice P.V.Reddy, formerly a Judge of this Court, revalued the answer scripts and submitted a report, which was taken note of vide order dated 10.03.2016 and on the basis of the said report, the following directions were issued :-

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Regard being had to the aforesaid report, we request the High Court of Delhi to hold the interview within four weeks. The Committee that had conducted the interview, is requested to conduct the interview of the aforesaid twelve candidates. The Chief Secretary and the other authority, who are supposed to participate in the interview, shall be guided about the dates fixed by the High Court and not take any kind of excuse. The candidates shall be intimated forthwith by all possible means.

It is submitted by Mr. A. D. N. Rao that in the earlier Selection Committee, nominee of the Lieutenant Governor was there, who was earlier the Law Secretary of the Delhi Government. In the meantime, she has become a District Judge. In view of the above said position, the Lieutenant Governor shall nominate someone else as a nominee so that the Selection Committee can meet. We request the Lieutenant Governor to nominate a suitable member within a week hence.

After conducting the interview, the results of the interview shall be filed before this Court by 25th April, 2016.....

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The High Court of Delhi called twelve candidates, as per the Report of Justice P. V. Reddy, for interview. Out of twelve candidates, eleven candidates participated in the interview and all of them were selected. Normally, after such an exercise, the controversy that had emerged in these writ petitions should have been allowed to have a peaceful rest, but neither Mr. Prashant Bhushan nor Mr. Sanjay Hegde would so accede. Mr. Prashant Bhushan, learned counsel and Mr. Sanjay Hegde, learned senior counsel, have given certain

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suggestions for future. The said suggestions were handed over to Mr. Maninder Singh, learned Additional Solicitor General and Mr. A. D. N. Rao, learned counsel, appearing for the Registrar General of the High Court of Delhi. Be it noted, six suggestions have been given and out of six, two suggestions have been accepted by the respondent. The suggestions which have been accepted, are :-

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a) In the Preliminary exams, the OMR sheets be ordered to be filled up in pen and not pencil;

(d)

The candidates be provided a copy of their answer scripts under the RTI and as per two Supreme Court judgments of Central Board of Secondary Education (CBSE) v. Aditya Bandopadhyay SC 2011) and Kerala Public Service Commission Vs. State Information Commission (SC 2016).

"

In course of hearing, the acceptability of the other suggestions have been considered. Having heard the learned counsel for the parties, apart from the suggestions that have been accepted by the High Court, we think the following suggestions should also be followed by the High Court. They are :-

(i)

In the Preliminary examination, the names of successful candidates be mentioned.

(ii)

In checking of the mains papers, the procedure laid down in Sanjay Singh & Anr. Vs. U.P. Public Service

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Commission, Allahabad & Anr.

(2007) 3 SCC 720

, Prashant

Ramesh Chakkarwar Vs. U.P.S.C. & Ors.

(2013) 12 SCC 489

and Sujasha Mukherji

2015 AIR SCW 1582

shall be kept in

view.

We are sure that the High Court, while conducting examinations in future, shall keep the aforesaid suggestions in view.

Before parting with the case, we may state that suggestions have been given so that the candidates, who participate in the examination must have intrinsic faith in the system of examination and simultaneously, they must also appreciate that a candidate, while appearing in an examination, has his/her own limitation. Faith in an institution and acceptance of individual limitation are the

summum bonum

of a progressive civilised society. We

say no more on this score.

If this litigation has come to this end in such a manner, it obligates us to put it on record our deep appreciation for Justice P. V. Reddy, formerly a Judge of this Court, who has devoted his time selflessly and also not caused any kind of financial burden to the High Court. We have said so, as we are disposed to think, selfless service to institutions is written in red letters in history and is remembered by the posterity. It never gets washed away in the sands of time.

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The writ petitions are disposed of accordingly.

Pending interlocutory applications, if any, are disposed

of.

There shall be no order as to costs.

.....J.

[DIPAK MISRA]

.....J.

[ROHINTON FALI NARIMAN]

New Delhi;

JULY 26, 2016.

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REVISED

ITEM NO.5 COURT NO.4 SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 514/2015

CENTRE FOR PUBLIC INTEREST LITIGATION Petitioner(s)

VERSUS

REGISTRAR GENERAL OF THE HIGH COURT OF DELHI Respondent(s)

(with appln. (s) for directions and impleadment and office report)

WITH

W.P.(C) No. 712/2015

(With appln.(s) for impleadment)

Date : 26/07/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Sanjay R. Hegde, Sr. Adv.

Mr. Fuzail Ahmad Ayyubi, Adv.

Mr. Anas Tanvir, Adv.

Ms. Kanishka Prasad, Adv.

Mr. Abdul Qadir, Adv.

Mr. Prashant Bhushan, Adv.

Mr. Rohit Singh, Adv.

Mr. Siddhartha K. Garg, Adv.

For Respondent(s)

Mr. Maninder Singh, ASG

Mr. Annam D. N. Rao, Adv.

Mr. A. Venkatesh, Adv.

Mr. Sudipto Sircar, Adv.

Mr. Rahul Mishra, Adv.

Mr. Jayant Kumar Mehta, Adv.

Mr. Sunil Kumar Jain, Adv.

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UPON hearing counsel the Court made the following

O R D E R

Applications for impleadment are rejected.

The writ petitions are disposed of in terms of the signed order.

Pending interlocutory applications, if any, are disposed of.

(Jayant Kumar Arora)

Court Master

(H.S.Parasher)

Court Master

(Signed order is placed on the file