

ITEM NO.24 + 51

COURT NO.1

SECTION XVI-A

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

Petition(s) for Special Leave to Appeal (C) No(s). 9541/2019

(Arising out of impugned final judgment and order dated 12-03-2019 in IA No. 01/2019 passed by the High Court of Jammu & Kashmir At Srinagar)

OWAIS ASHRAF SHAH & ORS.

Petitioner(s)

VERSUS

THE STATE OF JAMMU AND KASHMIR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.61008/2019-DELETING THE NAME OF PROFORMA RESPONDENTS)

WITH

DIARY No. 14855/2019

(IA No. 71235/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 71237/2019-PERMISSION TO FILE ADDL. DOCUMENTS/FACTS/ANNEXURES and IA No. 71234/2019-PERMISSION TO FILE SLP)

Date : 03-05-2019 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Olivia Bang, Adv.
Mr. Ehsan J., Adv.
Mr. Satya Mitra, AOR

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. Pawanshree Agrawal, AOR
Mr. Abhishek Jain, Adv.
Mr. Rishabh Raj, Adv.
Ms. Abhipsa Anamika, Adv.
Mr. Kaushik Choudhury, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application for deletion of Proforma Respondent Nos. 5 to 44 in S.L.P.(C) No. 9541/2019 is allowed.

Permission to file Special Leave Petition in Diary No.

14855/2019 is granted.

Our Order dated 21.01.2019 passed in S.L.P.(C) No. 1493/2019 leaves no room for any ambiguity or doubt that though the selection process can be finalised no appointment will be made. What would require to be made clear is that if appointments are not permissible to be made, the declaration of the results would be a futile exercise and may give cause to unnecessary third party rights which we must avoid. Accordingly, we direct that the result of the selection process shall not be declared. We also make it clear that the High Court is free to decide the pending Public Interest Litigation and all connected cases both on maintainability and merits. We request the High Court to do so at the earliest, preferably within a period of four weeks from today.

Both the Special Leave Petitions shall stand disposed of in terms of the above.

Pending applications, if any, shall also stand disposed of.

(SUSHIL KUMAR RAKHEJA)
AR CUM PS

(ANAND PRAKASH)
BRANCH OFFICER