

ITEM NO.16

COURT NO.8

SECTION XI

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

IA

103934/2018, 116669/2018, 116671/2018, 121048/2018, 122163/2018, 122485/2018, 124134/2018, 127694/2018, 127713/2018, 134551/2018, 145821/2018, 147494/2018, 159019/2018, 163643/2018, 19030/2019, in Petition(s) for Special Leave to Appeal (C) No(s). 20015/2018

(Arising out of impugned final judgment and order dated 16-05-2018 in WA No. 21084/2017 passed by the High Court Of Judicature At Allahabad)

ASHISH KUMAR YADAV & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 19030/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 116669/2018 - CLARIFICATION/DIRECTION
 IA No. 116671/2018 - EXEMPTION FROM FILING O.T.
 IA No. 103934/2018 - EXEMPTION FROM FILING O.T.
 IA No. 122485/2018 - INTERVENTION/IMPLEADMENT
 IA No. 163643/2018 - INTERVENTION/IMPLEADMENT
 IA No. 122163/2018 - INTERVENTION/IMPLEADMENT
 IA No. 159019/2018 - INTERVENTION/IMPLEADMENT
 IA No. 121048/2018 - INTERVENTION/IMPLEADMENT
 IA No. 147494/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145821/2018 - INTERVENTION/IMPLEADMENT
 IA No. 134551/2018 - INTERVENTION/IMPLEADMENT
 IA No. 127713/2018 - INTERVENTION/IMPLEADMENT
 IA No. 127694/2018 - INTERVENTION/IMPLEADMENT
 IA No. 124134/2018 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 23223/2018 (XI)

(121759/2018 INTERVENTION/IMPLEADMENT
 127686/2018 INTERVENTION/IMPLEADMENT
 134604/2018 PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS
 134605/2018 EXEMPTION FROM FILING O.T.
 143780/2018 INTERVENTION/IMPLEADMENT
 IA No. 134605/2018 - EXEMPTION FROM FILING O.T.
 IA No. 117317/2018 - EXEMPTION FROM FILING O.T.
 IA No. 143780/2018 - INTERVENTION/IMPLEADMENT
 IA No. 127686/2018 - INTERVENTION/IMPLEADMENT
 IA No. 121759/2018 - INTERVENTION/IMPLEADMENT
 IA No. 134604/2018 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES)

Date : 18-07-2019 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN**

For Petitioner(s) **Ms.Vibha Dutta Makhija, Sr. Adv.
Mr. Purushottam Sharma Tripathi, AOR
Mr. Mukesh Kr. Singh, Adv.
Mr. Ravi Chandra Prakash, Adv.
Mr. Mohit Kaushik, Adv.
Ms. Vani Vyas, Adv.
Mr. Abhishek Tripathi, Adv.**

For Respondent(s) **Mr. Tushar Mehta, SG
Mr. Zoheb Hossain, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Anil Katiyar, AOR**

**Mr. Vinod Diwakar, AAG
Mrs. Swarupama Chaturvedi, AOR**

**Mr. Shantanu Tugawat, Adv.
Mr. Ranvir Singh Chhillir, Adv.
Mr. Ashutosh Chaturvedi, Adv.
Mr. Sagar Kr., Adv.
Mr. Ikshit Singhal, Adv.
Mr. Suresh Prasad, Adv.
Mr. Naresndra Kr. Goyal, Adv
M/S. Mukesh Kumar Singh And Co., AOR**

**Dr. Lokendra Malik, Adv.
Mr. Danish Zubair Khan, AOR**

Rahul Sharma, AOR

**Mr. Ikshit Singhal, Adv.
Mr. Prasant Agarwal, Adv.
Mr. Rajiv Kumar, Adv.
Mr. Vipin Sandu, Adv.
Ms. Amita, Adv.
Mr. Praveen Gaur, Adv.
Mr. Sanjeeb Panigrahi, AOR**

**Mr. Kauzar Raza Faridi, Adv.
Mr. Shubbaaz Jameel, Adv.
Mr. J.K. Gupta, Adv.**

Mr. Sanjay Rastogi, AOR

Mr. Tripurari Ray, Adv.
Mr. Sanjeev Malhotra, AOR

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

On 1.4.2019, following order was passed by this Court:

"Ms. Vibha Dutta Makhija, learned Senior Advocate invited our attention to page 343 of SLP(C)23223/2018 which is a communication dated 10.04.2018. The cut-off marks of candidates who personally called for screening of documents, are indicated in paragraph 4 of the communication.

The State is directed to file its response to said communication and state why the petitioners who secured more marks than such cut-off were not called for screening of documents, etc. The affidavit must also indicate if all the vacancies advertised for 2013 selection of Constables have been filled up and if not, how many vacancies are still remaining unfilled.

List the matter for further consideration on 16.04.2019."

The communication referred to above had called the candidates who had secured more than the cut-off as indicated in para 4 for scrutiny of documents and medical examination. The tabular chart in para 4 indicated cut off marks at 301.7012 against OBC (male).

It was, therefore, submitted by Ms. Vibha Dutta Makhija, learned senior counsel that the petitioners having secured more marks than the cut off belonging to the category of OBC (male/female) ought to have been afforded the same chance.

It was in this light that the aforesaid order was passed by this Court on 1.04.2019.

Pursuant to these directions, an affidavit has been filed by Mr. Sureshwar s/o late Sri Narvadeshwar Mishra, Superintendent of Police, U.P. Police Recruitment & Promotion Board, Lucknow stating as under:

"It is pertinent to mention here that all the 151 petitioners herein were not selected because they have secured lesser marks than the above mentioned cut off marks in their respective category."

Mr. Vinod Diwakar, learned counsel appearing for the State submitted that the selection undertaken pursuant to communication dated 10.04.2018 was only to fill up certain vacant posts in categories available for Horizontal Reservation viz: "Ex-serviceman", "Dependants of freedom fighter" and "Females (only for police constables)". After taking instructions from Mr. Hafizur Rahman, Addl. Superintendent of Police, U.P. Police Recruitment & Promotion Board, Lucknow, he submitted that not a single candidate other than these three categories of Horizontal reservation was selected pursuant to the communication dated 10.04.2018. We record the statement.

We find from the record that Dipesh Judeja, Secretary, U.P. Police Recruitment & Promotion Board, Lucknow had filed a personal affidavit in CMWP No.18442 of 2018 in the High Court. We therefore, direct the State to file an appropriate affidavit sworn by an official of equal or superior status indicating whether any person other than those falling in the aforesaid three horizontal categories was appointed pursuant to the communication dated 10.04.2018.

From the affidavit of Mr. Dipesh Judeja it also emerges that 4429 posts were added pursuant to the directions issued in the case of *Hanuman Dutt Shukla and Others* as additional posts.

The State shall also indicate the cut off marks for various categories, before and after, accommodating 4429 candidates in terms of *Hanuman Dutt Shukla*.

The concerned official shall remain present on the next occasion along with the relevant record.

List the matter on 23.07.2019.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER