

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

REVIEW PETITION(C) No.486/2017

IN

CIVIL APPEAL NO. 10824/2016

PRAVEEN KUMAR

PETITIONER(S)

VERSUS

DELHI SUBORDINATE SERVICES SELECTION BOARD

RESPONDENT(S)

O R D E R

By this petition filed by the review petitioner (respondent in C.A. No. 10824/2016), review of judgment dated 11.11.2016 rendered in the aforesaid appeal is sought for.

It is pointed out that there is an error, which has crept in this judgment and in order to demonstrate that Mr. Prashant Bhushan, learned counsel appearing on behalf of the review petitioner has referred to para 10 of the judgment, which reads as under:

"10.After rejecting the contentions on merits and upholding the validity of the Recruitment Rules, the Court went into the issue of hardship because of sudden reduction in the upper age limit and only on that ground one time relaxation was given to the petitioners in the said petition. A direction was given to permit

all those candidates who had completed the ETE course either in the year 2006 or 2007 or 2008 to appear in the examination. Thus, this was one time relaxation given for the examination which was to be conducted in the year 2008, in order to ameliorate the hardship."

He submits that in the aforesaid para this Court has categorically observed that those who had completed the ETE course either in the year 2006 or 2007 or 2008 were eligible to appear in the examination. He points out that in spite of this observation in para 10, in para 11 the benefit is denied to the review petitioner on the ground that he was not the candidate in the recruitment to the said post in the year 2008 and he had applied for the post pursuant to the advertisement published in the year 2009. It is his submission that it was not necessary for the review petitioner to be the candidate in the recruitment, which was carried out in the year 2008. The year 2008 is relevant for the purpose of completion of ETE course. We find justification in the submissions made by Mr. Bhushan.

The admitted facts are that the review petitioner had completed the ETE course in the year 2008. We have gone through the judgment in the case of Sachin Gupta vs. DSSSB & Ors. which was decided by the High Court on 28.08.2008 and that clearly shows that the benefit of relaxation was given to the candidates who have completed the ETE course in the year 2006 or 2007 or 2008. The appearance in the examination in the year 2009 is, therefore, of no consequence. We also clarify that as per the judgment of Sachin

Gupta's case the relaxation granted by the High Court ceased to operate for the ETE courses after 2008 i.e. commencing from the year 2009 inasmuch as from 30th September, 2007 the maximum age limit for ETE course had been increased from 30 years to 34 years.

We, thus, rectify the error which has crept in paras 11 and 12 of the judgment and the said paras are substituted to the following para:

"Once, we understand the contours and scope of the judgment, it becomes abundantly clear that the said judgment of the High Court in *Schin Gupta's* case cannot be made applicable for all times. The benefit of relaxation is given to those candidates who had completed the ETE course either in year 2006 or 2007 or 2008, to appear in the examination. Since the respondent completed the ETE course in year 2008 and pursuant thereto he appeared in the examination conducted in the year 2009, pursuant to an addendum to advertisement dated 11.12.2009, he was entitled to one-time relaxation in terms of *Sachin Gupta's* case. Therefore, his candidature was wrongly cancelled by the appellant. We, therefore, find no fault in the impugned judgment of the High Court.

At the same time, it needs to be clarified as to how the case of the respondent has to be dealt with. The outcome of the above would be that if the persons below the respondent in the merit list were appointed he shall also be given the appointment. He will be assigned that date of appointment on which the last person in the said selection of the year 2009 was appointed. His notional seniority shall be counted from that date. It is also made clear that in the batch of 2009, he shall be ranked junior most. It is also made clear that the respondent shall not be entitled to any back-wages for the intervening period except the seniority as mentioned above and continuity of service for all other purposes. This order is passed in the facts and circumstances of the present case and it cannot be treated as a precedent."

The review petition stands disposed of in the above stated terms.

.....J.

[A.K. SIKRI]

.....J

[R. BANUMATHI]

NEW DELHI;
SEPTEMBER 20, 2017.

ITEM NO.301

COURT NO.6

SECTION XIV

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

R.P.(C) No. 486/2017 in C.A. No. 10824/2016

PRAVEEN KUMAR

Petitioner(s)

VERSUS

DELHI SUBORDINATE SERVICES SELECTION BOARD

Respondent(s)

(AT 3.00 P.M.)

Date : 20-09-2017 This petition was circulated today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Omanakuttan K.K., Adv.
Mr. T. Sudhaker, Adv.

For Respondent(s) Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. R.K. Rathore, Adv.
Mr. P.K. Dey, Adv.
Mr. B. V. Balaram Das, AOR

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

The review petition stands disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)