

SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 8808-8809/2019
[Arising out of SLP (Civil) No.17340 Of 2012]

PARMAR PRAKASH RAMESHCHANDRA & ORS.

APPELLANT(S)

VERSUS

THE STATE OF GUJARAT & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL Nos.8810-8813/2019
[Arising out of SLP (Civil) No.17238 Of 2012]

WITH

CIVIL APPEAL Nos. 8814-8815/2019
[Arising out of SLP (Civil) No.18017 Of 2012]

O R D E R

Leave granted.

Feeling aggrieved and dissatisfied by the impugned judgment and order passed by the Division Bench of the High Court dismissing the Letters Patent Appeal and confirming the order passed by the learned Single Judge refusing to grant any relief of regularization in favour of the appellants, the appellants have preferred the present appeals.

Today when these appeals are taken up for further hearing, Ms. Manisha T. Karia, learned counsel appearing on behalf of the appellants has stated at the Bar that after the impugned judgment and order was passed by the High Court, fresh examination was held as per Advertisement published in the year, 2011, and posts in question were filled up as per the new Recruitment Rules. She has further stated that out of one original appellants, some were permitted to appear in the examination held as per Advertisement published in the year, 2011, out of which some cleared the exam and got the

appointment and some have failed. She further submitted that however some of the original petitioners were not permitted to participate in the examination on the ground that they had become over age. It is therefore, submitted that those persons were not given opportunity to participate in the selection process even as per the new Recruitment Rules solely on the ground that by that time they had become over age. It is submitted that in fact the remaining appellants who were not permitted to participate are as such experienced persons and therefore it is requested to direct the respondents to consider them to participate in the selection process as and when new advertisement is issued and the fresh examination is held.

Having heard learned counsel appearing for the respective parties and in view of the facts and circumstances of the case, we see no reason to interfere with the impugned judgment and order passed by the Division Bench of the High Court.

However, it is directed that as and when a fresh selection process is initiated to fill up the vacancies, one opportunity be given to the remaining appellants who as such were not given any opportunity to participate in the selection process and were not permitted to appear in the examination held as per Advertisement published in the year, 2011, on the ground that they have become over age. It is therefore directed that as and when the remaining vacant posts are filled in and/or fresh selection process is initiated, as a one time measure, the aforesaid remaining appellants who as such were not permitted to participate in the examination held as per Advertisement published in the year, 2011, to participate in the selection process, and their case be considered in accordance with law on merits as

per the prevailing Recruitment Rules and their case may not be rejected on the ground that they have become over age.

With these observations and directions, the present appeals are disposed of.

.....J.
[DEEPAK GUPTA]

.....J.
[ANIRUDDHA BOSE]

NEW DELHI;
18TH NOVEMBER, 2019

R E V I S E D

ITEM NO.31

COURT NO.16

SECTION III

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

Civil Appeal No(s).8808-8809/2019 arising out of special leave petition (Civil) No.17340 Of 2012

PARMAR PRAKASH RAMESHCHANDRA & ORS.

Appellant(s)

VERSUS

THE STATE OF GUJARAT & ORS.

Respondent(s)

WITH

C.A. No. 8810-8813/2019 (III)

(arising out of special leave petition (Civil) No.17238 Of 2012)

C.A. No. 8814-8815/2019 (III)

(arising out of special leave petition (Civil) No.18017 Of 2012)

Date : 18-11-2019 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s) Ms. Manisha T. Karia, AOR
Mr. Shashank S. Mangal, Adv.
Ms. Sukhda Kalra, Adv.

For Respondent(s) Ms. Hemantika Wahi, AOR

Ms. Aniruddha P. Mayee, Adv.
Ms. Deepanwita Priyanka, Adv.

Mr. Prashant Singh, Adv.
Mr. Amit Sharma, Adv.
Mr. Raj Bahadur Yadav, AOR

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

Leave granted.
Civil appeals are disposed of in terms of the signed order.
Pending application, if any, shall also stand disposed of.

(RASHMI DHYANI)
SENIOR PERSONAL ASSISTANT

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed order is placed on the file)

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

Civil Appeal No(s). 8808-8809/2019 arising out of special leave petition (Civil) No.17340 Of 2012

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