

ITEM NO.12

COURT NO.7

SECTION XVI

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). 13858/2019

(Arising out of impugned final judgment and order dated 22-04-2019 in CWJC No. 9100/2018 passed by the High Court Of Judicature At Patna)

NTPC LIMITED

Petitioner(s)

VERSUS

AJIT KUMAR & ORS.

Respondent(s)

(IA No. 92524/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES)

Date : 24-09-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Bharat Sangal, Sr. Adv.
Mr. Shailesh Madiyal, AOR
Ms. Vidushi Garg, Adv.
Ms. Babita Kushwaha, Adv.
Ms. Laimon Rani Boro, Adv.
Mr. Sudhanshu Prakash, Adv.
Mr. Kartik Anand, Adv.

For Respondent(s)

Mr. Kumar Parimal, Adv.
Mr. Aniruddha P. Mayee, AOR

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

Civil Writ Jurisdiction Case No.9100 of 2018 was filed by six candidates submitting inter alia that they had passed the qualifying examination, namely, Diploma in relevant subjects, but had secured such diplomas before 2017 and virtue of a Note which was part of the advertisement, their candidature was rejected by the appellant herein.

The concerned note was to the following effect:

"Note: Eligible candidates, who have passed in 2017 and the final year students of 2018 (result to be declared by Aug/Sept, 2018) will be eligible to apply only. The above restriction is not applicable to Land Oustees (Los.)"

During the pendency of the matter, by virtue of an interim order, all the six petitioners were allowed to participate in the process of selection and it is a matter of record that out of those six petitioners only two persons could qualify. The appellant had therefore, appointed those two candidates but according to Mr. Sangal, learned senior advocate appearing for the appellant, one of the candidates has left the organization while the other is still continuing.

The aforesaid Note was the subject matter of consideration by the High Court and according to the High Court the classification sought to be created by the Note was not justified. The High Court, therefore, allowed the petition and directed that the entire selection process be held without insisting upon said Note.

We have heard Mr. Sangal, learned senior advocate and Mr. Kumar Parimal, learned counsel for the parties.

Since only two persons could qualify in the examination and one of them has left the organization, we do not deem it proper to enter into the controversy in question and decide the matter.

We, therefore, refuse to entertain this petition. The special leave petition is dismissed, leaving all questions of law open.

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

**(INDU MARWAH)
COURT MASTER**

**(SUMAN JAIN)
BRANCH OFFICER**