

ITEM NO.16

COURT NO.3

OUT TODAY
SECTION XS U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA No. 74473 of 2017 in Writ Petition(s) (Civil) No(s). 371/2017

RAHUL KUMAR SHRIVASTAVA & ORS.

Petitioner(s)

VERSUS

HIGH COURT OF UTTARAKHAND

Respondent(s)

Date : 23-08-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEERFor Petitioner(s) Mr. Rajat Sharma, Adv.
Mr. Ram Kishor Singh Yadav, AORMr. Prabhakar Parnam, Adv.
Mr. Venkateswara Rao Anumolu, AORFor Respondent(s) Ms. Anitha Shenoy, AOR
Ms. Srishti Agnihotri, Adv.

Mr. Guntur Prabhakar, AOR

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

IA is filed with the prayer as follows:-

"It is therefore most respectfully
prayed that this Hon'ble Court may
graciously be pleased to:(a) Direct the respondent to declare the
result of the preliminary examination of
the petitioner no. 2 and allow him to
appear in the forthcoming main written
examination of U.K.H.J.S-2017 which is
scheduled to be held on 26th & 27th of the
August, 2017; and/or(b) Pass such other or further
order/orders which this Hon'ble Court may

deem fit and proper in the interest of justice."

Issue in the writ petition is regarding the legality of the eligibility criteria for appointment fixed under the Uttarakhand Higher Judicial Service Rules, 2004. In view of the pending recruitment process under the above-mentioned rules, this Court, by an Order dated 24.5.2017, while issuing notice, directed as follows:-

"There shall be interim direction permitting the petitioners to appear in the examination. However, the result of the examination so far as petitioners are concerned, shall not be announced until further orders of this Court."

We are given to understand that the examination process is in three parts, (i) a preliminary examination, (ii) main written examination followed by (iii) viva voce. Pursuant to the interim order referred to above, the petitioner no. 2 was permitted to participate in the first part of the examination process. However, his results were not announced as stipulated by this Court in the above mentioned order. It appears that the main written examination is scheduled on 26th August, 2017. In view of the fact that the result of the preliminary examination of the petitioner no. 2 is not announced, the petitioner no. 2 apprehends that he will not be permitted to appear for the final examination.

In the circumstances, we are of the opinion that not permitting the petitioner to take part in the final examination would be inconsistent with the spirit of the interim order dated 24.5.2017.

We are informed that there is no stipulated cut-off mark for deciding the eligibility of candidates for appearing in the final examination. The number of candidates who would be

permitted to appear for the final examination under the existing norms of the High Court would be 6 times the number of vacancies advertised. Subject to that number, candidates who appeared in the preliminary examination would be permitted to appear for the final examination on the basis of their performance in the preliminary examination.

We are informed that the petitioner no. 2 belongs to a reserved category(SC) from the list published by the High Court of the performance of the candidates in the preliminary examination, a candidate at Sl. No. 59 belonging to SC category who secured 45 marks in the preliminary examination is declared to be qualified to appear in the main examination.

In the circumstances, we deem it appropriate to direct the High Court to permit the petitioner no. 2 to appear for the main examination if he has secured 45 marks or above in the preliminary examination. However, the High Court need not announce the marks secured by the petitioner at this stage.

IA stands disposed of accordingly.

(DEEPAK MANSUKHANI)
AR-cum-PS

(SUMAN JAIN)
Court Master