

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.1308 OF 2020

ABHINAV KARDAM

PETITIONER

VERSUS

STATE OF UTTAR PRADESH & ORS.

RESPONDENTS

WITH

WRIT PETITION (CIVIL) NO.1422 OF 2020

DINESH CHANDRA

PETITIONER

VERSUS

STATE OF UTTAR PRADESH & ORS.

RESPONDENTS

ORDER

These writ petitions have been filed submitting *inter alia* that because of certain mistakes that occurred while filling up the application forms, the candidature of the concerned petitioners is not being taken into account by the authorities.

We need not go into the merits or demerits of the contentions as the matter is now squarely covered by three Office Memoranda issued by the State Government on 04.12.2020, 10.12.2020 and 15.12.2020. These Memoranda deal with cases where there is discrepancy in the actual marks as appearing in the mark-sheets as against the marks stated in the application forms.

Point No.2 of Office Memorandum dated 04.12.2020 deals with certain categories of cases and it is common ground that these two cases come under para 3 of said Point No.2.

The subsequent Office Memorandum dated 10.12.2020 has further elaborated and stated that all the matters coming under para 3 of Point No.2 shall be placed before the Government, mentioning documentary evidence alongwith the report of the Basic Education Officer, for consideration by the Government.

It was however submitted by Mr. Harish Pandey, learned Advocate for the State that the applications in terms of these Memoranda had to be preferred within the specified time limit, which time having expired, no representation can logically be considered by the Government.

We must say that these writ petitions were filed before the expiry of the time limit. In the present case, the filing of these writ petitions shall be taken as compliance of the requirement of preferring application in terms of the Office Memoranda.

We, therefore, direct the concerned authorities to place the cases of the petitioners in these two matters for consideration in terms of the Office Memoranda dated 04.12.2020 and 10.12.2020.

With the aforesaid directions, these writ petitions are disposed of.

.....J.
[UDAY UMESH LALIT]

.....J.
[HEMANT GUPTA]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
JANUARY 13, 2021

ITEM NO.36

COURT NO.1
(HEARING THROUGH VIDEO CONFERENCING)

SECTION X

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

Writ Petition (Civil) No.1308/2020

ABHINAV KARDAM

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

WITH

W.P.(C) No.1277/2020 (X)
(IA No.114644/2020 - FOR EXEMPTION FROM FILING O.T.)W.P.(C) No.1282/2020 (X)
(FOR ADMISSION; IA No.115833/2020 - FOR INTERVENTION/IMPLEADMENT;
and, IA No.124722/2020 - FOR INTERVENTION/IMPLEADMENT)W.P.(C) No.1422/2020 (X)
(FOR ADMISSION; and, IA No.130704/2020 - FOR EXEMPTION FROM FILING
O.T.)

Date : 13-01-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the Parties:

Mr. Siddharth Dave, Sr. Adv.
Mr. Anand Nandan, Adv.
Mr. Amit Pawan, Adv.
Mr. Akshat Srivastava, AOR

Mr. Amit Pawan, AOR

Mr. Rakesh Mishra, AOR

Mr. Chand Qureshi, AOR

Mr. Raj Kishor Choudhary, AOR
Mr. Shakeel Ahmed, Adv.
Ms. Malvika Raghavan, Adv.
Mr. H.S. Mann, Adv.
Mr. Nakul Chaudhary, Adv.
Mr. Anupam Bhati, Adv.

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

ITEM NO.36.1 - W.P.(C) NO.1277/2020; and, ITEM NO.36.2 - W.P.(C)
No.1282/2020

These matters are de-tagged.

List on 25.01.2021.

ITEM NO.36 - W.P. (C) No.1308/2020; and, ITEM NO.36.3 - W.P.(C)
NO.1422/2020

These Writ Petitions are disposed of, in terms of the Signed
Order.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed Order is placed on the File)