

ITEM NO.4 Court 3 (Video Conferencing)

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s).41/2020

(Arising out of impugned final judgment and order dated 27-09-2019
in WPCT No. 41/2019 passed by the High Court at Calcutta)

DURGAPUR STEEL PLANT & ORS.

Petitioner(s)

VERSUS

BIDHAN CHANDRA CHOWDHURY & ORS.

Respondent(s)

WITH

Diary No(s). 28394/2019 (XVI)

(WITH IA No. 174361/2019 - CONDONATION OF DELAY IN REFILING /
CURING THE DEFECTS, IA No. 174363/2019 - EXEMPTION FROM FILING C/C
OF THE IMPUGNED JUDGMENT)

Date : 13-09-2021 These petitions were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Sunil Kumar Jain, AOR

For Respondent(s) Mr. Subhasish Bhowmick, AOR

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

- 1 Delay condoned.
- 2 Mr Ranjit Kumar, Senior Counsel appearing on behalf of the petitioners, has urged the following submissions:
 - (i) An advertisement was issued in October 2007 followed by an *addendum* in December 2007 inviting applications for the post of Plant Attendant-cum-Junior Technician. It was anticipated that there were about 200 posts to be

filled up;

- (ii) 52,000 persons applied in pursuance of the advertisement;
- (iii) 29,459 persons sat for the written examination which was conducted by an independent agency;
- (iv) 1,530 candidates qualified for the written examination and their names were published on the website;
- (v) Out of the above candidates, 1,285 appeared for the interview pursuant to letters dated 15 May 2008;
- (vi) A merit list containing the roll numbers of candidates who had qualified for the interview was published on the website on 17 June 2008;
- (vii) 150 letters of offer were issued out of which 139 candidates joined service;
- (viii) In view of the fresh vacancies which had occurred for the same recruitment period, an additional 55 candidates were offered appointment and accordingly a total of 194 candidates joined service;
- (ix) In January 2009, a writ petition was filed before the High Court which was transferred on 14 February 2012 to the Central Administrative Tribunal¹;
- (x) In September 2012, an application was filed to implead 56 additional persons who were appointed, but, as a matter of fact, they were not impleaded;

1 “Tribunal”

- (xi) The Tribunal has directed the appointment of the respondents who had moved the Tribunal on parity with 56 additional persons who had been appointed.

3 In this backdrop, it has been submitted that:

- (i) The process of conducting the examination was outsourced to an independent agency;
- (ii) There was no requirement of maintaining or publishing the results of about 30,000 persons who had appeared for the examination;
- (iii) Even the UPSC requires the preservation of the written papers for a period of three months;
- (iv) The prayers in the writ petition were for calling for the results of 56 persons and no specific relief was sought for the appointment of the respondents before the Tribunal; and
- (v) The qualifications of the post of Attendant-cum-Junior Technician have been changed in 2008 and, at this length of time, it would not be possible to accommodate the respondents.

4 Mr Subhasish Bhowmick, appears on behalf of the respondents, on caveat.

5 Issue notice.

6 Mr Subhasish Bhowmick accepts notice.

7 Counter affidavit be filed within a period of six weeks.

- 8 List the Special Leave Petitions on a non-miscellaneous day in the third week of January 2022 for final disposal.
- 9 Pending further orders, the *ad-interim* order dated 31 January 2020 shall continue to remain in operation.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER