

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). 25438/2019

(Arising out of impugned final judgment and order dated 01-08-2019 in SAD No. 316/2019 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

STATE OF UTTAR PRADESH & ORS.

Petitioner(s)

VERSUS

GAYATRI DEVI

Respondent(s)

(FOR ADMISSION and I.R. and IA No.152455/2019-EXEMPTION FROM FILING O.T.)

Date : 24-10-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Ms. Garima Prashad, AOR

For Respondent(s) Mr. Shivam Sharma, Adv.  
Mr. Prashant Shukla, Adv.  
Mr. Anurag Tripathi, Adv.  
Mr. Suyash Srivastava, Adv.  
Mr. Shreya Mishra, Adv.  
Mr. Madhumay Misra, Adv.  
Mr. Satyajeet Kumar, AOR

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

We have heard learned counsel for the petitioners and the learned counsel for the respondent.

The sole issue which arises for consideration is whether the respondent is entitled to the benefit of procuring a higher degree of M.A. which would increase her marks and thus entitle her to appointment to the post of Supervisor. In this behalf it is undisputed that the cut

off date was 1<sup>st</sup> July, 2010, as contended by the petitioners, while the respondent acquire the M.A. qualification on 2<sup>nd</sup> January, 2011.

The respondent has been held entitled to the benefit with higher degree as per the order of the learned Single Judge as well as the Division Bench which are impugned before us on the ground that the sanctity of the cut off appears to have been lost as the selection was finally held in the year 2014. The selection was in respect of vacancies which arose till the year 2010 and it is not a case where an advertisement was issued or applications invited.

We are of the view that the concurrent finding in this behalf are not in default. In the given facts of the case specially the prolongation of four years in carrying out the exercise, completely diluted the cut off date.

Learned counsel for the petitioners however contends that this may result in persons who have already been so promoted being demoted. They are not parties before the court.

We would not like to disturb the promotions already made considering the passage of time and the earlier time taken to carry out promotions and thus direct that without disturbing those promotions, the respondent should be accommodated and promoted in terms of the impugned order.

The special leave petition is dismissed with the aforesaid observations.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(RAJINDER KAUR)  
COURT MASTER