

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).5637 OF 2017
(Arising out of SLP (C) No(s). 30033 of 2016)

THE DISTRICT AND SESSIONS JUDGE,
BHADRAK AND ANR.

APPELLANT(S)

VERSUS

LAKSHMAN KUMAR SINGH AND ANR.

RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The respondents sought a direction in their writ petition in the High Court to appoint them against the posts of Clerk-cum-Copyists in the Judgeship of Bhadrak in the State of Odisha on the ground that they had passed the selection process and were placed in the merit list but were not given appointment in-spite of the availability of the vacancies.

The High Court has upheld their claim and directed that since there are still nine vacancies, the respondents should be considered against the said vacancies and six vacancies meant for the S.C./S.T. should be de-reserved if the candidates for the said categories were not available.

Learned counsel for the appellants has stated

that the vacancies had already been filled up in subsequent recruitments in the years 2014 and 2015.

Since this aspect has not been considered by the High Court in the impugned order, we set aside the impugned order and remand the matter to the High Court for a fresh consideration on merits, in accordance with law.

The appeal is disposed of in above terms

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

.....J.
[ADARSH KUMAR GOEL]

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

NEW DELHI
26TH APRIL, 2017

ITEM NO.23

COURT NO.11

SECTION XIA

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). 30033/2016

(Arising out of impugned final judgment and order dated 21/06/2016 in WPC No. 6118/2016 passed by the High Court of Orissa at Cuttack)

THE DISTRICT AND SESSIONS JUDGE, BHADRAK AND ANR. Petitioner(s)

VERSUS

LAKSHMAN KUMAR SINGH AND ANR.

Respondent(s)

(With appln. (s) for vacating stay and interim relief and office report)

Date : 26/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Krishnayan Sen, Adv.
 Ms. Asiya Khan, Adv.

For Respondent(s) Mr. Ratnakar Dash, Sr. Adv.
 Mr. G.Sivabalamurugan, Adv.
 Ms. Vandana, Adv.
 Ms. Theepa, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(SWETA DHYANI)
SR.P.A

(HARESH SINGH NEGI)
COURT MASTER

(Signed order is placed on the file)