

ITEM NO.33

COURT NO.6

SECTION III-A

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

CONMT. PET.(C) No.1077/2019 in C.A. No.11373/2018

SHIVAM SHUKLA

Petitioner(s)

VERSUS

AWANISH KUMAR AWASTHI &amp; ORS.

Respondent(s)

(IA No.188339/2019 - FOR EXEMPTION FROM FILING O.T.; IA  
No.176749/2019 - FOR INTERVENTION/IMPLEADMENT; and, IA  
No.188337/2019 - FOR INTERVENTION/IMPLEADMENT)

WITH

CONMT. PET.(C) Nos.1078-1080/2019 in C.A. Nos.11388-11390/2018  
(III-A)

CONMT. PET. (C) No.1231/2019 in C.A. No.11392/2018 (III-A)  
(FOR ADMISSION)

CONMT.PET.(C) No.1232/2019 in C.A. No.11394/2018 (III-A)  
(FOR ADMISSION)

Date : 18-12-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN

Counsel for the Parties;

Mr. Pallav Shishodia, Sr. Adv.  
Mr. Danish Zubair Khan, AOR  
Ms. Surabhi Lata, Adv.  
Mr. Mukesh Kumar, Adv.  
Mohd. Asad Khan, Adv.

Ms. Vibha Datta Makhija, Sr. Adv.  
Mr. Krishna M. Singh, Adv.  
Mr. Praveen Gaur, Adv.  
Ms. Aadya Mishra, Adv.  
Ms. Priyanshi Agarwal, Adv.  
Mr. Rajiv Kumar, AOR  
Mr. Sandeep Kumar, Adv.

Mr. Santosh Kumar, Adv.  
Mr. Rajiv Ranjan Mishra, Adv.  
For Mr. Mushtaq Ahmad, AOR

Mr. Anurag Dubey, Adv.  
 Mr. Rajesh Pathak, Adv.  
 Mr. Abhishek Chakraborty, Adv.  
 Mr. Pramod Kumar, Adv.  
 Mr. Hemant Kumr, Adv.  
 Mr. Sanjay Yadav, Adv.  
 Mr. Sumit Kumar, AOR

Mr. Vinod Diwakar, AAG  
 Mr. B.N. Dubey, Adv.  
 Mr. Abhitosh Pratap Singh, Adv.  
 Ms. Garima Prashad, AOR

Mr. Jugul Kishor Gupta, Adv.  
 Mr. Ilin Saraswat, Adv.  
 Mr. Kausar Raza Faridi, AOR  
 Ms. Swati Jain, Adv.  
 Mr. Shahbaaz Jameel, Adv.

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

CONMT. PET. (C) Nos.1231/2019 in C.A. No.11392/2018; and,  
 CONMT.PET.(C) No.1232/2019 in C.A. No.11394/2018

Learned counsel for the applicants submits that he is not pressing these contempt petitions.

These contempt petitions are, accordingly, closed as not pressed.

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

CONMT. PET.(C) No.1077/2019 in C.A. No.11373/2018 and CONMT. PET.  
 (C) Nos.1078-1080/2019 in C.A. Nos.11388-11390/2018

Pursuant to the order dated 02.12.2019 passed by this Court, an affidavit of compliance has been filed giving details with respect to queries that were raised by this Court.

We have heard Mr. Pallav Shishodia, learned Senior Advocate, who submitted *inter alia* that 62 posts in the category of Scheduled Tribes are still lying unfilled. A pointed query was made if any Scheduled Tribes candidates having marks anywhere close to the Cut-

Off which was 235.4167 are available, learned counsel was unable to furnish these details.

We, therefore, see no reason why the statements made in the affidavit of compliance should not be accepted that 62 posts in the category of Scheduled Tribes remained unfilled because of non-availability of the concerned Scheduled Tribes Candidates.

Learned counsel appearing for the applicant in Contempt Petition (C) No.1078-1080/2019 highlighted the issue and pointed out the case of two candidates at Serial Nos.1988 and 1995 at page 118 of the affidavit of compliance and submitted that those two candidates were originally selected under the category of SC and OBC respectively and have now been shifted to the General Category.

It was submitted that their marks are otherwise below the Cut-Off for General Category and as such they could not be taken as General Category Candidates and consequently there would be two more vacancies under the General Category.

We call upon the State to consider these issues and rectify the mistake, if any.

In the aforesaid circumstances, we see no reason to keep these contempt petitions pending. The Contempt Petitions are, accordingly, closed.

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

(MUKESH NASA)  
COURT MASTER

(SUMAN JAIN)  
BRANCH OFFICER