

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1917/2012

VINOD KUMAR GUPTA AND ANR

Appellant(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

WITH

C.A. No. 1950/2012 (XV)

C.A. No. 1949/2012 (XV)

C.A. No. 1857/2012 (XV)

CIVIL APPEAL NO.1631/2020

[@ SLP(C) No. 7837/2012 (XV)]

C.A. No. 3392/2012 (XV)

O R D E R

Delay condoned.

Leave granted in SLP [C] No.7837/2012.

We have looked at the judgment of three Judges Bench of this Court in *Sanjay Singh & Anr. v. UP Public Service Commission, Allahabad & Anr.* - (2007) 3 SCC 720 which has been dealt with *in extenso* in the impugned order and the method of scaling in computing the result has been upheld. It is this very principle which has been applied in relation to recruitment in question of the year 2007.

Learned counsel for the appellants endeavours to persuade us that such scaling results in inequalities and arbitrariness and despite the judgment of Three Judges' Bench of this Court, it is a matter liable to be referred to a Larger Bench.

We are not persuaded.

Learned counsel for the appellant has next drawn our attention

to the operative part of the judgment to contend that the Supreme Court did give relief albeit to do complete justice *inter se* the parties. This power has been exercised under Article 142 of the Constitution of India in a given scenario where the aspect was tested for the first time and the adjudication took place in a period of less than two years. In the present case, that principle of scaling can be applied, stood settled in terms of the judgment in *Sanjay Singh (supra)* and thus, nothing new was done. It is also the passage of time of 13 years between list being drawn applying the principle of scaling and now.

In view of all the aforesaid reasons, we are not inclined to interfere with the impugned judgment.

The appeals are dismissed.

.....J.

[SANJAY KISHAN KAUL]

.....J.

[K.M. JOSEPH]

NEW DELHI;

FEBRUARY 11, 2020.

ITEM NO.107

COURT NO.12

SECTION XV

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

Civil Appeal No(s). 1917/2012

VINOD KUMAR GUPTA AND ANR ETC & ANR.

Appellant(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

WITH

C.A. No. 1950/2012 (XV)

C.A. No. 1949/2012 (XV)

C.A. No. 1857/2012 (XV)

FOR INTERVENTION APPLICATION ON IA 7933/2019

FOR EXEMPTION FROM FILING O.T. ON IA 7934/2019

IA No. 7934/2019 - EXEMPTION FROM FILING O.T.

IA No. 7933/2019 - INTERVENTION APPLICATION)

SLP(C) No. 7837/2012 (XV)

(FOR CONDONATION OF DELAY IN FILING ON IA 1/2012

IA No. 1/2012 - CONDONATION OF DELAY IN FILING)

C.A. No. 3392/2012 (XV)

Date : 11-02-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. Aditya K. Dubey, Adv.

Mr. Rajesh Kumar Pandey, Adv.

Mr. Ashish Kumar Pandey, Adv.

Mr. Devvrat, AOR

Mr. Shankar Divate, AOR

Ms. K. V. Bharathi Upadhyaya, AOR

For Respondent(s)

Mr. Ashish Kumar, AAG

Ms. Sangeeta Bharti, Adv.

Mr. Shakti Verma, Adv.

Mr. Jordan R., Adv.

Mr. Surya Kant, AOR

Mr. Jayesh Kumar, Adv.

Mr. Pranav Vyas, Adv.

Ms. Priyanka Tyagi, Adv.

Ms. Pragati Neekhara, AOR

Mr. Milind Kumar, AOR

Ms. Ruchi Kohli, AOR

Mr. Ansar Ahmad Chaudhary, AOR

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

Delay condoned.

Leave granted in SLP [C] No.7837/2012.

The appeals are dismissed in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
AR CUM PS

(PRADEEP KUMAR)
BRANCH OFFICER

[Signed order is placed on the file]