

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.2292/2020

IN

CIVIL APPEAL NO.1071/2019

MD. MOTIUR RAHAMAN & ORS.

Petitioner(s)

VERSUS

MANISH JAIN & ORS.

Respondent(s)

O R D E R

On hearing learned counsel for parties, we find force in the contention of learned counsel for the respondent that for 13 years the applicants have slept over the matter in the High Court and the reasoning given now is that they had paucity of funds to prosecute the petition. We cannot permit them to seek parity with the persons who came to this Court and in whose cases we exercised jurisdiction under Article 142 of the Constitution of India.

The other aspect is that even if the 22 marks benefit is given, on the basis of the rules, as per the counter affidavit of respondent No.4, the applicants do not make cut-off.

That being the position, their eligibility to sit for the written examination is not present.

The Miscellaneous Application is dismissed.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI;
MAY 17, 2022.

ITEM NO.37

COURT NO.6

SECTION XVI

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

Miscellaneous Application No. 2292/2020 in C.A. No. 1071/2019

MD. MOTIUR RAHAMAN & ORS.

Petitioner(s)

VERSUS

MANISH JAIN & ORS.

Respondent(s)

(vide Hon'ble Court's Order dated 07.12.2020, Commt. Pet.(C) Diary No.42728/2019 is converted to M.A. Diary No.42728/2019, which is registered as M.A. No.2292/2020.)

Date : 17-05-2022 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Mohammad Ali Choudhary, Adv.
Mr. Abdul Azeem Kalebudde, AOR

For Respondent(s) Mr. Rakesh Dwedi, Sr. Adv.
Ms. Madhumita Bhattacharjee, AOR
Mr. Anant, Adv.
Ms. Srija Choudhary, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitree Banerjee, Adv.
Mr. Rohit Bansal, Adv.

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

The Miscellaneous Application is dismissed in terms
of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]