

ITEM NO.8

COURT NO.9

SECTION XI

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.187/2019 in SLP(C) No.16432/2017

ABHISHEK KUMAR SINGH

Petitioner(s)

VERSUS

MR. ANUP CHANDRA PANDEY,
CHIEF SECRETARY, GOVT. OF UP & ORS.

Respondent(s)

(FOR ADMISSION)

WITHCONMT.PET.(C) No.188/2019 in SLP(C) No.16432/2017 (XI)
(FOR ADMISSION)

Date : 28-02-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s)
[C.P.(C) No.187/2019]

Mr. Dushyant Dave, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Rajiv Dhavan, Sr. Adv.
Mr. Anurag Dubey, Adv.
Mr. Rajesh Pathak, Adv.
Mr. Abhishek Chakraborty, Adv.
Mr. Anand Nandan, Adv.
Ms. Usha Pandey, Adv.
Mr. Pramod Kumar, Adv.
Mr. Sumit Kumar, AOR

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Mr. Anand Nandan, Adv.
Mr. Abhishek Chakraborty, Adv.
Ms. Pooja Jha, Adv.
Ms. Usha Pandey, Adv.
Mr. Pramod Kumar, Adv.
Mr. Amit Pawan, AOR

For Respondent(s)

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

Heard Mr. Dushyant Dave, Dr. Rajiv Dhavan, Mr. Neeraj Kishan Kaul, learned senior counsel in support of the contempt petitions.

Learned senior counsel relied on orders dated 21.07.2017, 01.08.2017 and 27.11.2018 passed by this Court. Specific reference was made to the second order which had directed the State to subject those 237 candidates, in case they had qualified the written examination, to group discussion, physical fitness and medical examination. Relying on these three orders, it was submitted that an exception ought to have been made in favour of those 237 candidates and they should have been given appointment letters.

We have gone through the orders dated 21.07.2017 and 01.08.2017 and as well as counter affidavit filed by the State in compliance of the order dated 21.07.2017 and the final judgment of this Court dated 27.11.2018. The direction was only to the effect that in case those 237 candidates had qualified in the written examination, they be sent for group discussion, physical fitness and medical examination. It was certainly not a direction that they must be appointed. All appointments were to be strictly in order of merit and there could not be any deviation under the orders of the Court. We, therefore, cannot make any exception in favour of these 237 candidates.

If any of these 237 candidates is otherwise part of the merit list, it goes without saying that such candidate(s) will always be given appointment letter(s), but that must be strictly in conformity with relevant criteria and on the basis of merit.

We, therefore, reject the applications for initiation of contempt proceedings.

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

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER