

ITEM NO.7

COURT NO.1

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

Civil Appeal No(s). 1867/2006

MALIK MAZHAR SULTAN AND ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS Respondent(s)  
(With appln. for c/delay in filing affidavit and clarification of Court's order and c/delay in filing appeal and directions and exemption from filing O.T. and impleadment and intervention and may refer to remarks and permission to file additional documents and permission to implead the name of applicant and office report) (I.A. Nos. 130,131,132, 133 in IA 129 and IA 134 in IA 127)

WITH

W.P.(C) No. 403/2014  
(With Office Report)

Date : 26/02/2015 This appeal/petition were called  
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ARUN MISHRA

Mr. Vijay Hansaria, Sr. Adv. (A.C.)

For Appellant(s) Mr. Ejaz Maqbool, Adv.

Ms. T. Anamika, Adv.  
Mr. B.V. Chandan, Adv.

For Applicant(s) Mr. P.P. Rao, Sr. Adv.  
Mr. Y Rajagopala Rao, Adv.  
Mr. Hitendra Nath Rath, Adv.  
Mr. P. Sudeer Reddy, Adv.

Mr. D. Mahesh Babu, Adv.

For Respondent(s)	<p>Mr. Ranjit Kumar, S.G.          Mr. Abhinav Mukherjee, Adv.          Ms. Sadhana Sandhu, Adv.          Ms. Gunwant Dara, Adv.          Ms. Binu Tamta, Adv.          Mr. Gunwant Dara, Adv.          Ms. Sadhna Sandhu, Adv.          Ms. Sushma Suri, Adv.          Mr. B.V. Balram Das, Adv.</p> <p>Mr. Debasis Misra, Adv.</p> <p>Mr. Abhijit Sengupta, Adv.          Mr. Ajay Pal, Adv.          Mr. Amit Kumar, Adv.</p>
Jharkhand	<p>Mr. Anil K. Jha, Adv.          Mr. R.K. Ojha, Adv.</p>
H.C. of Jharkhand	<p>Mr. Krishnanand Pandey, Adv.</p> <p>Mr. Anil Kumar, Adv.</p> <p>Mr. Anil Shrivastav, Adv.</p>
High Court of Delhi	<p>Mr. Annam D. N. Rao, Adv.          Ms. Neelam Jain, Adv.          Ms. G Swati Pathgotri, Adv.</p> <p>Mr. Anuvrat Sharma, Adv.          Mr. Arun K. Sinha, Adv.          Mr. Ashok K. Srivastava, Adv.</p>
Manipur	<p>Mr. Sapam Biswajit Meitei, Adv.          Mr. Z.H. Isaac Haiding, Adv.          Mr. Ashok Kumar Singh, Adv.</p> <p>Mr. Ashok Mathur, Adv.          Mr. Ashok Panigrahi, Adv.          Mr. Ashwani Kumar, Adv.          Mr. Avijit Bhattacharjee, Adv.</p>
Nagaland	<p>Ms. K. Enatoli Sema, Adv.          Mr. Amit Kumar Singh, Adv.          Mr. Balaji Srinivasan, Adv.</p> <p>Mr. B. Balaji, Adv.</p> <p>Mr. Bharat Sangal, Adv.</p>

Mr. C. S. N. Mohan Rao, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

Mr. E. C. Vidya Sagar, Adv.

Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

Ms. Rashmi Srivastava, Adv.

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, Adv.

Ms. Rashmi Srivastava, Adv.

Mr. G. Prakash, Adv.

Mr. G. S. Chatterjee, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

#### Haryana

Mr. Alok Sangwan, Addl. Adv. Gen.

Mr. Kamal Mohan Gupta, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Kaushal Yadav, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. K.K. Mohan, Adv.

Mr. Krishnanand Pandeya, Adv.

Mr. Lakshmi Raman Singh, Adv.

Mr. Merusagar Samantaray, Adv.

Mr. Milind Kumar, Adv.

Mr. M. R. Shamshad, Adv.

Mr. Mushtaq Ahmad, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Naresh Kumar, Adv.

Mr. Nishe Rajen Shonker,Adv.

Mr. P.I. Jose,Adv.

Mr. Alok K. Bansal, Adv.

Mr. Vishwanath, Adv.

Mr. Pradeep Misra,Adv.

Mr. Prakash Kumar Singh,Adv.

Mr. P.V. Yogeswaran,Adv.

Mr. Radha Shyam Jena,Adv.

Mr. Rajesh Srivastava,Adv.

Mr. Rana Ranjit Singh,Adv.

Mr. Ranjan Dwivedi,Adv.

Mr. Ranjan Mukherjee,Adv.

Mr. R. Nedumaran,Adv.

Mr. R. Sathish,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. S. C. Patel,Adv.

Mrs. D. Bharathi Reddy,Adv.

Mr. Shail Kumar Dwivedi,Adv.

Mr. Shankar Divate,Adv.

Mr. Shrish Kumar Misra,Adv.

Mr. Siddhartha Chowdhury,Adv.

Mrs Sarla Chandra,Adv.

Mr. Sunil Kumar Jain,Adv.

Mr. Sunil Kumar Verma,Adv.

Mr. Tara Chandra Sharma,Adv.

Maharashtra	Ms. Asha Gopalan Niar, Adv. Mr. A.P. Mayee, Adv.
	Mr. V. Giri, Sr. Adv. Mr. T. G. Narayanan Nair, Adv. Mr. K.N. Madhusoodhnan, Adv.
	Mr. T. Mahipal, Adv.
	Mr. T.V. George, Adv.
High Court of Andhra Pradesh	Mr. A.K. Ganguli, Sr. Adv. Mr. T. V. Ratnam, Adv.
Puducherry	Mr. V.G. Pragasam, Adv. Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv.
Bihar P.S.C. H.C. of Sikkim	Ms. Anupama Sharma, Adv. Mr. Vishnu Sharma, Adv. Mr. Gurpreet Singh, Adv.
Sikkim	Mr. A. Mariarputham, Adv. Gen. Ms. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. Mr. K. Vijay Kumar, Adv.
	Mr. V.N. Raghupathy, Adv.
	Mr. P.P. Rao, Sr. Adv. Mr. Y. Raja Gopala Rao, Adv. Mr. Y. Vismai Rao, Adv. Mr. Hitendra Nath Rath, Adv. Mr. P. Sudheer Kumar Reddy, Adv.
	M/s Arputham Aruna & Co., Adv.
	Ms. Asha Gopalan Nair, Adv.
	Ms. Asha Jain Madan, Adv.
	Ms. A. Subhashini, Adv.
	Ms. Bina Gupta, Adv.
	M/s Corporate Law Group, Adv.
Andaman & Nicobar	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.

Madhya Pradesh	Mr. C.D. Singh, Adv. Ms. Sakshi Kakkar, Adv. Mr. Sandeepan Pathak, Adv.
Gujarat	Ms. Hemantika Wahi, Adv.  Ms. Kamini Jaiswal, Adv.
Kerala	Ms. Liz Mathew, Adv. Mr. M.F. Philip, Adv.  Ms. Naresh Bakshi, Adv.
Patna High Court	Mr. Pravin H Parekh, Sr. Adv. Mr. Kstrashal Raj, Adv. Mr. Kumar Shashank, Adv. Mr. Vishal Prasad, Adv. Mr. Abhishek V. Deshmukh, Adv. for M/s. Parekh & Co., Adv.
Uttarakhand	Ms. Rachana Srivastava, Adv.
Rajasthan	Mr. S.S. Shamsbery, Adv. Mr. Amit Sharma, Adv. Mr. Saneep Singh, Adv. Ms. Ruchi Kohli, Adv.  Ms. S. Janani, Adv.  Ms. Sumita Hazarika, Adv.  Mr. Vinay Kr. Garg, Adv. Ms. Mayuri Raghuvanshi, Adv.  Dr. Rajeev Dhawan, Sr. Adv. Mr. T. Sudhakar Reddy, Adv. Ms. Bina Madhwan, Adv. Mr. M.P. Shorawala, Adv.
U.P.	Mr. P.N. Mishra, Sr. Adv. Mr. Irshad Ahmad, AAG Mr. Som Raj Choudhury, Adv. Mr. Abhishth Kumar, Adv. Ms. Archana Singh, Adv.
Telangana	Mr. Mukul Rohatgi, A.G. Mr. K Ramkrishna Reddi, Adv.Gen. Mr. S. Udaya Kumar Sagar, Adv. Mr. Krishna Kumar Singh, Adv.

Himachal Pradesh      Mr. Suryanaryana Singh, Addl. Adv. Gen.  
                                  Ms. Pragati Neekhara, Adv.

H.C. Bombay              Mr. A.P. Mayee, Adv.  
                                  Ms. Charudatta Mahindrakar, Adv.  
                                  Mr. A. Selvin Raja, Adv.

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

I.A. No. 130 of 2014

The prayers made in I.A. No. 130 of 2014 read as under :

*"A. Grant permission to the applicant/High Court of H.P. to initiate the selection process second time during this year in respect of existing and anticipated vacancies in the cadre of District/ Additional District Judges and Civil Judges (Junior Division) in the State of Himachal Pradesh in deviation of the time schedule so prescribed by this Hon'ble Court vide orders dated 04.01.2007;*

*B. Grant permission to initiate the selection process, twice in a year, in each cadre of the Himachal Pradesh Judicial Service as per proposed time schedule annexed with the application, subject to the availability of vacancies and to make amendments in the H.P. Judicial Service Rules, 2004 accordingly.*

*....."*

Shri Vijay Hansaria, learned Amicus Curiae would state that he has no objection for grant of such prayers and he would state that in fact that this would facilitate the High Court to conduct the examination for District/Addl. District and Civil

Judges (Junior Division) in a better way.

In view of the above, we allow I.A. No. 130 of 2014.

I.A. No. 131 of 2015

Learned counsel for the applicant, on instructions, seeks permission of this Court to withdraw this application with liberty to file fresh application.

Permission sought for is granted.

I.A. No. 131 of 2015 is disposed of as withdrawn with liberty to the applicant to file fresh application.

I.A. No. 132 of 2015

Application for impleadment as party respondent is allowed.

I.A. No. 134 of 2015

Prayers made in this application read as under :

*(i) Clarify whether the High Court can go ahead with the process of transfer of judicial officers under the control of the High Court of judicature at Hyderabad for the States of Telangana and Andhra Pradesh;*

*(ii) Clarify whether promotion of*



*judicial officers to higher posts i.e. Civil Judge (Jr. Grade) to Civil Judge (Sr. Grade) and Civil Judge (sr. Grade) to District Judge can be taken up as a part of recruitment process;*

*(iii) Direct the Government of Telangana, Government of Andhra Pradesh and Central Government for issuing necessary orders in this regard; and*

*....."*

Shri Vijay Hansaria, learned Amicus Curiae would submit that he has no objection for grant of such prayers. Accordingly, I.A. No. 134 is allowed.

I.A. No. 133 of 2015

In view of order passed in I.A. No. 134, I.A. No. 133 does not survive for our consideration and is disposed of accordingly.

[ Charanjeet Kaur ]  
Court Master

[ Vinod Kulvi ]  
Asstt. Registrar