

Chandra Gupta Kumar and Ors. Etc. Etc. Vs. State of Bihar and Ors. Etc. Etc.

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Court : Supreme Court of India

Decided On : Sep-14-2017

Judge : Hon'Ble Mr. Justice Kurian Joseph, Hon'Ble Mrs. Justice R. Banumathi

Appeal No. : 25772 / 2015

Appellant : Chandra Gupta Kumar and Ors. Etc. Etc.

Respondent : State of Bihar and Ors. Etc. Etc.

Advocate for Pet/Ap. : Anurag Pandey

Judgement :

1 NON-REPORTABLE IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO(S). 2795-2797 OF 2017 CHANDRA GUPTA KUMAR AND ORS. ETC. VERSUS Appellant(s) STATE OF BIHAR AND ORS. ETC. Respondent(s) WITH CIVIL APPEAL NOS. 2798-2800 OF 2017 WITH CIVIL APPEAL NOS.2801-2803 OF 2017 WITH CIVIL APPEAL No.2804 OF 2017 WITH CONTEMPT PETITION (C) NOS. 367-369 OF 2016 IN CIVIL APPEAL NOS. 2795-2797 OF 2017 WITH CIVIL APPEAL No.2805 OF 2017 WITH CIVIL APPEAL NOS. 2806-2810 OF 2017 WITH CIVIL APPEAL No.2811 OF 2017

JUDGMENT

KURIAN, J.

1. Status quo granted by this Court on 14.08.2015 in SLP (C) Nos. 22304-22306 of 2015 and SLP (C) Nos. 22947-22949 of 2015 shall stand modified to the effect that the State is permitted and directed to appoint 186 candidates, whose selection had already been completed.

2. After appointing those 186 candidates, the State is further permitted and directed to appoint 97 candidates, who have been selected pursuant to our order dated 20.04.2017. However, we make it clear that if anyone of those 3. candidates belonging to Paragraphs (1) and (2) above is otherwise ineligible or in case he/she is otherwise disqualified, no appointment will be offered to him/her.

4. The appellants approached this Court with certain grievances regarding selection and appointment to the post of Sub-Inspector. The process started in the year 2004. On account of various litigations, 3 unfortunately, the process of selection has still not been completed. In one set of appeals, there is a dispute with regard to 186 candidates who had to be accommodated for adjusting 67 candidates belonging to OBC category, who had to be appointed on the basis of directions issued by the High Court. On 14.08.2015, this Court had directed the 5. parties to maintain status quo. As mentioned above, we have modified the interim order and permitted the State to continue with the selection. The above modification happens to be issued in view of the developments which took place, which we have referred to in our order dated 20.04.2017, which reads as follows:- In pursuant to the order of this Court the affidavit has been filed before this Court and by the order dated 28.11.2011 passed by this Court it has been clarified that there are 223 candidates eligible for appointment against the 299 posts referred to in the order dated 02.02.2011 since they are all similarly situated. However, it is brought to the notice of this Court that in between there was appointment of 67 candidates belonging to Most Backward Classes and pursuant to orders passed by this Court on 4 12.10.2012 in order to maintain those 67 candidates roster point had to be adjusted and accordingly another 184 candidates were proposed to be appointed. These are also under challenge in the writ petitions. Be that as it may, without prejudices to the contention available to all the parties, for the time being we direct the State and the Commission to proceed with selection in respect of 299 posts by limiting the field of selection to 2730-251 i.e. 2479 candidates. We

also make it clear that if any similarly situated person has inadvertently been left out it will be open to such person to point out the same to the Competent Authority and his case will also be examined by the Authority. The selection process as above shall be completed within a period of three months from today and the report to that effect shall be filed before this Court within such time. Post on 1st August, 2017. In all other respects, status-quo operating as on today shall continue till then.

Thereafter, this Court passed the following order 6. on 03.05.2017 :- 5 Mr. Ajit Kumar Sinha, learned senior counsel and learned counsel appearing for the candidates submit that the candidates who have already undergone and cleared the physical test may not be subjected to the physical test again along with the written examination. It is submitted that almost thirteen years have passed after the physical examination and, therefore, the candidates may not have the same standard which they acquired thirteen years back. Therefore, it is submitted that even if a physical test is conducted it may be limited to the medical fitness of the candidates. Learned counsel appearing for the State seeks some time to get clarification.....

Thereafter, on 08.05.2017, this Court passed the 7. following order :- With reference to our order dated 03.05.2017, the learned counsel appearing for the State has brought to our notice that for the selection of 299 posts, the selection process is in progress and only 104 candidates are alone left for the physical test. Therefore, without prejudice to the contentions available to the parties, 6 for the time being, let all candidates undergo the physical test. Though there is a serious dispute with regard to the approach, we direct that the remaining candidates will undergo the physical test without prejudice to their contentions.

The learned counsel appearing for the State has 8. brought to our notice that pursuant to our orders referred to above, out of 3227 candidates recommended, 2192 candidates turned up for selection and out of whom, 232 were qualified. Thereafter, in the process of selection, we are informed that 97 candidates have been selected. This Court has permitted those 97 candidates also to be appointed, after appointing 186 candidates referred to above.

9. Of the vacancies identified by this Court and which are referred to in the orders extracted above, we find that there are still 200+ vacancies available. In order to give a quietus to the whole disputes and having regard to the fact that the process of selection started in the year 2004, we direct the State to subject those 1035 of the recommended candidates, who did not turn up for the selection, also to the process of selection starting with the physical test, as clarified in our order dated 03.05.2017. 7 10. Needless also to say that those 1035 candidates will include the 133 candidates, if not otherwise included.

11. The selection process will be completed in three months.

12. We make it clear that we have not considered the merits of the selection already conducted pursuant to our order dated 20.04.2017. In case anyone has any grievance with regard to the same, he shall be free to take recourse to any other remedy before appropriate forum.

13. We also make it clear that this Judgment is passed in the peculiar facts of these cases, for doing complete justice and, therefore, it may not be treated as a precedent.

14. In view of the above, nothing survives in the contempt petitions, being Contempt Petition Nos. 367-369 of 2016 in Civil Appeal Nos. 2795-2797 of 2017, which are, accordingly, dismissed. 8 15. We direct the Registry that it shall not entertain any petition/application, either impleadment or reopening or review in respect of the selection of Sub-Inspectors for the year 2004 without express permission from this Court.

16. With the above observations and directions, the appeals are disposed of. New Delhi; September 14, 2017.J.

[KURIAN JOSEPH].J.

[R. BANUMATHI]. 9 REVISED ITEM NO.12 COURT NO.5 SECTION XVI S U P
R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Civil Appeal
No(s). 2795-2797/2017 CHANDRA GUPTA KUMAR AND ORS. ETC. ETC.
Appellant(s) VERSUS STATE OF BIHAR AND ORS. ETC. ETC. & ORS.

Respondent(s) (impleading party) (APPROPRIATE

ORDER

S/DIRECTIONS) WITH CONMT.PET.(C) No.367-369/2016 In C.A. No.2795-2797/2017 (XVI) C.A. No.2798-2800/2017 (XVI) C.A. No.2801-2803/2017 (XVI) C.A. No.2805/2017 (XVI) C.A. No.2806-2810/2017 (XVI) C.A. No.2804/2017 (XVI) C.A. No.2811/2017 (XVI) Date :

14. 09-2017 These matters were called on for hearing today. CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH HON'BLE MRS. JUSTICE R. BANUMATHI Counsel for the parties Mr. Ravindra Srivastava, Sr. Adv. Mr. M. K. Choudhary, Adv. Mr. Yudhister Bhardwaj, Adv. Mr. Harshul Singh, Adv. Mr. Kritika Khurana, Adv. Ms. Namita Choudhary, Adv. Mr. Salman Khurshid, Sr. Adv. Mr. Dhruv Kumar Jha, Adv. Ms. Nooreen Sarna, Adv. Ms. Azra Rehman, Adv. Mr. Kiran Kumar Jaipurkar, AOR Mr. Nagendra Rai, Sr. Adv. Mr. Shantanu Sagar, Adv. Mr. P. S. Patwalia, Sr. Adv. Mr. Anurag Pandey, Adv. 10 Mr. Chandra Prakash, Adv. Mr. Rituraj Biswas, Adv. Mr. Shailendra Kumar, Adv. Mr. Amit Pawan, Adv. Mr. Anand Nandan, Adv. Mr. Hassan Zubar Waris, Adv. Mr. Abhishek Amritanshu, Adv. Mr. Akshat Srivastava, Adv. Mr. Akshay Sinha, Adv. Mr. Durga Dutt, Adv. Mr. Rohit Priyadarshi, Adv. Mr. Himanshu Munshi, Adv. Mr. Gopal Singh, Adv. Mr. Shivam Singh, Adv. Mr. Arun K. Sinha, Adv. Mr. Rakesh Singh, Adv. Mr. Chakrapani, Adv. Mr. Anurag Singh, Adv. Mr. Anil Kumar Mishra, AOR Mr. Kumar Ranjan, Adv. Mr. Murli Manohar Singh, Adv. Mr. Kaushik Poddar, Adv. Mr. Vivek Vardhan, Adv. Mr. Gopal Jha, Adv. Ms. Pragya Baghel, AOR Mr. Mohit Kumar Gupta, Adv. Mr. Saurabh Sanchita, Adv. Ms. Manju Sharma Jetley, Adv. Ms. Shashi Kiran, AOR Ms. Lakshmi Raman Singh, AOR Mr. Subhro Sanyal, AOR Ms. Udit Singh, AOR Mr. Gyan Prakash Srivastava, AOR Ms. Reena Pandey, AOR Mr. Dushyant Parashar, AOR11Mr. S. K. Verma, AOR

ORDER

UPON hearing the counsel the Court made the following The civil appeals are disposed of and the contempt petitions are dismissed in terms of the signed non-reportable Judgment. Pending Interlocutory Applications, if any, stand disposed of. (JAYANT KUMAR ARORA) (RENU DIWAN) COURT MASTER ASSISTANT

REGISTRAR (Signed non-reportable Judgment is placed on the file)

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