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Rajkumar and Other. Etc. Vs. Raj and Other Etc.

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Court : Supreme Court of India

Decided On : Feb-11-1997

Reported in : 1997(2)LC6(SC)

Judge : K. Ramaswamy,; S.Saghir Ahmed and; G.B. Pattanailk, JJ.

Appellant : Rajkumar and Other. Etc.

Respondent : Raj and Other Etc.

Judgement :
The Text below is only a summarized version of the order pronounced

The appeal assailed the propriety of the decision of High Court which held that the Constitution of Selection Committee and the selection of the appellants was ultra vires the power of the Government as since 1955, Punjab Public Works Department (Irrigation Branch) Patwaris State Service, Class III Rules, 1955 occupy the field for selection and administrative instructions cannot be issued to constitute Selection Committee. The Supreme Court held that there was glaring illegality in the selection process as it was not in accordance with rules. But since the appellants came to be appointed by virtue of the selection made, they would continue in service till the proper selection is made and till the candidates are appointed in accordance with the Rules. The names of the successful candidates are directed to be sent to the Subordinate Selection Board wherein board would interview and recommend name of candidates strictly on merit basis.

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