

ITEM NO.70

COURT NO.4

SECTION PIL(W)

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

Writ Petition(s) (Civil) No(s). 514/2015

CENTRE FOR PUBLIC INTEREST LITIGATION

Petitioner(s)

VERSUS

REGISTRAR GENERAL OF THE HIGH COURT OF DELHI

Respondent(s)

(with appln. (s) for directions and impleadment and office report)

WITH

W.P. (C) No. 712/2015

(With appln.(s) for impleadment)

Date : 14/12/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Omanakuttan K.K., Adv.
Mr. Syed Mussail, Adv.
Mr. Govind Jee, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Abdul Qadir, Adv.
Mr. Anas Tanvir, Adv.
Ms. Kanishka Prasad, Adv.
Mr. G. Javed, Adv.

For Respondent(s) Mr. Sunil Kumar Jain, AOR

Mr. Gopal Subramonium, Sr. Adv.
Mr. Jayant Kumar Mehta, AOR
Mr. Saurabh D. Karan Singh, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Annam D. N. Rao, AOR
Mr. Annam Venkatesh, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Vaishali R., Adv.
Ms. Ankita Chadha, Adv.

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

These writ petitions were heard on certain occasions. The

prayers in the writ petitions are differently couched, Mr. Prashant Bhushan, learned senior counsel and Mr. Sanjay Hegde along with Mr. Anas Tanvir, learned counsel submitted that they do not intend to go by the prayer but they will be satisfied if this Court conceives of making certain kind of arrangement so that the candidates who have not been selected, their grievance would stand mitigated.

Mr. Maninder Singh, learned Additional Solicitor General and Mr. ADN Rao, learned counsel appearing for the Registrar General of the High Court of Delhi submitted that they leave it to the discretion of this Court.

We have been apprised at the Bar that 659 candidates had qualified in the preliminary examination and appeared in the main examination and out of the same, 15 candidates have been selected after facing the interview. It is not disputed by the learned counsel for the respondents that the total vacancies are 80 in number. Be that as it may. It is well settled in law that if the suitable candidates are not found, the employer is not obliged to fill up the posts. However, we desire to address the grievance of the petitioners who had appeared in the main examination and treat it as a special case and direct as follows:

- (a) The candidates who have not been qualified in the main examination to appear in the interview, their papers shall be revalued on the parameters of the marks obtained by the last general category candidate who has been selected in the general category. If there are further reserved posts, the said parameter applicable to Scheduled Castes who have been selected shall also be adhered to in respect of the candidates who belong to Scheduled Castes. We may hasten to clarify, if there are no further posts in the reserved category, the said exercise need not be taken recourse to.
- (b) Regard being had to the fact that the papers have initially valued by the six examiners, we think it appropriate that a

former Supreme Court Judge should be requested to revalue the answer papers as we have mentioned in paragraph (a).

- (c) If any candidate is found fit on the test applied as mentioned in paragraphs (a) and (b) above, they shall be called for interview by the same Board that had interviewed the earlier candidates.
- (d) We request Justice P.V. Reddi, formerly a Judge of this Court and the Former Chairman of the Law Commission of India to accept the assignment and carry out the exercise.
- (e) The High Court of Delhi is directed to provide appropriate accommodation, preferably a court room, and the requisite secretarial staff for the purpose of valuation. The High Court shall facilitate the travelling of Justice P.V. Reddi from his place of residence to the Delhi High Court and provide a vehicle till he is in Delhi.
- (f) Justice Reddi is requested to commence the process on or before 10.01.2016. As the Delhi High Court has advertised for filling up rest of the vacancies, we would request Justice Reddy to make an effort to complete the valuation as expeditiously as possible, preferably within six weeks so that the advertised vacancies are in no way affected.
- (g) The fee payable to Justice P.V. Reddi shall be determined by this Court on the next date of hearing.
- (h) When we have said that the selected candidates whose answers script would be the parameter, it clearly conveys that selection of the selected candidates shall not be unsettled. The candidates who shall obtain the requisite marks in comparison to the 15 candidates shall be called for interview and in the ultimate eventuate, if they are selected, they would not be ranked senior to the candidates who have already been selected and appointed.

Let the writ petitions be listed in the second week of March 2016.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master