

ITEM NO.17+75

COURT NO.11

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s).
10163-10165/2015

(Arising out of impugned final judgment and order dated 10/11/2014
in CWJC No. 14677/2009, CWJC No. 10226/2010 and CWJC No. 7508/2011
passed by the High Court Of Patna)

GOVT. OF BIHAR AND ORS. ETC ETC

Petitioner(s)

VERSUS

DAYANAND SINGH ETC. ETC.

Respondent(s)

(with interim relief and office report)
with

I.A. Nos. 4-6 & 7-9

Appln. For seeking amendment of SLP and application under Order 1
Rule 10 of the code of Civil Procedure, 1908 read with Order IV
Rule 6 of Supreme Court Rules, 2013

WITH

SLP(C) No. 11365/2015

(With appln.(s) for permission to file SLP and Interim Relief and
Office Report)

SLP(C) No. 11363-11364/2015

(With appln.(s) for permission to file SLP and Office Report)
with

SLP(C) No. 14625-14626 of 2015

(With Office Report)

Date : 11/05/2015 These petitions were called on for hearing today.

Appln. For seeking amendment of SLP

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)

Mr. P.S. Patwalia, Sr. Adv.
Mr. Rudreshwar Singh, Adv.
Mr. Samir Ali Khan, Adv.

Mr. Ajit Kr. Sinha, Sr. Adv.
Dr. Maurya Vijay chandan, aDv.
Mr. Himanshu Chouney, Adv.
Mr. Prem Prakash, Adv.

Mr. P.P. Rao, Sr. Adv.
 Dr. Manish singhvi, Adv.
 Mr. D.K. Devesh, Adv.
 Mr. Amarjit Singh Bedi, Adv.

For Respondent(s) Mr. P.H. Parekh, Sr. Adv.
 Mr. Kumar Shashank, Adv.
 Mr. Vishal Prasad, Adv.
 Mr. Abhishek Vinod Deshmukh, Adv.
 Mr. Anurag Tripathi, Adv.
 M/s. Parekh & Co.

Mr. Ritesh Khatri, Adv.

Mr. Navin Prakash, Adv.

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

There is no opposition to the Interlocutory Application nos. 4-6 (Appln. For seeking amendment of SLP) and 7-9 (applications under Order 1 Rule 10 of the Code of Civil Procedure, 1908 read with Order IV Rule 6 of Supreme Court Rules, 2013), which are accordingly allowed. The amended memo of parties is taken on record.

As the new transposed respondents are already represented, issuance of fresh notice is dispensed with.

We have heard learned Senior Counsel for the parties and perused the Impugned Judgment as well as the relevant records. We have noted the Minutes of the Meetings of the Full Court held by the High Court of Patna on 18th September, 2010, in which the following Resolution was passed:

"Keeping in view the powers and responsibility attached to the officers for Superior Judicial Service and that 75% posts are filled in by promotion from the officers

of Sub ordinate Judicial Service, it is resolved not to provide reservation in Bihar Superior Judicial Service. However, preference shall be given to SC/ST and O.B.C. categories in case merit is found equal to others.

Considering the figures of representation, it is further resolved that 10% of the vacancies in Bihar Subordinate Judicial Service be reserved for Backward Class I category in addition to 16% of the vacancies reserved for Scheduled Castes and 1% for the vacancies reserved for the Scheduled Tribes. Relaxation in age by 3 years be also granted to S.C./S.T. and O.B.C. category."

However for removal of all doubts, that part of the Resolution which has to be now implemented pendente lite of these appeals is reproduced as follows :

"Considering the figures of representation, it is further resolved that 10% of the vacancies in Bihar Subordinate Judicial Service be reserved for Backward Class I category in addition to 16% of the vacancies reserved for Scheduled Castes and 1% for the vacancies reserved for the Scheduled Tribes. Relaxation in age by 3 years be also granted to S.C./S.T. and O.B.C. category."

It appears to us that, keeping in view the paucity of judicial officers across the country and especially in the State of Bihar, it is imperative that appointments which are, by and large, not legally disputed, herein by the learned counsel for the parties, the same should not be held up only due to pendency of other disputes and challenges.

In these circumstances, the second part of the Resolution quoted above again, would require immediate implementation so far as selection of the 28th Batch of the Bihar Subordinate Judicial Services is concerned.

We accordingly, direct its implementation. So far as other contentions are concerned they shall await further orders of this Court.

We also clarify that the candidates in the General Category, whose names are contained in the Select List, should also be appointed.

We expect that the implementation as directed above be carried out expeditiously and not later than four weeks' from today.

All appointments made pursuant to this interim order would be subject to the final results of these Petitions.

List for further consideration at the end of July, 2015.

(NEELAM GULATI)
COURT MASTER

(SAROJ SAINI)
COURT MASTER