

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9289 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 28364 OF 2015]

RAJASTHAN PUBLIC SERVICE COMMISSION

Appellant (s)

VERSUS

KAILASH CHANDRA JYOTISHI AND ORS.

Respondent (s)

with

CIVIL APPEAL NO. 9328 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18493 OF 2017]
[DIARY NO. 13338 OF 2017]

CIVIL APPEAL NO. 9322 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18485 OF 2017]
[DIARY NO. 13339 OF 2017]

CIVIL APPEAL NO. 9323 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18486 OF 2017]
[DIARY NO.13501 OF 2017]

CIVIL APPEAL NO. 9324 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18487 OF 2017]
[DIARY NO. 13502 OF 2017]

CIVIL APPEAL NO. 9325 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18489 OF 2017]
[DIARY NO. 13684 OF 2017]

CIVIL APPEAL NO.9326 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18490 OF 2017]
[DIARY NO. 13686 OF 2017]

CIVIL APPEAL NO. 9327 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 18491 OF 2017]
[DIARY NO. 13687 OF 2017]

J U D G M E N T

KURIAN, J.

1. Delay condoned. Leave granted.

2. It is not in dispute that in view of the subsequent developments, the degree obtained by the writ petitioners (pvt. respondents herein) was duly recognised and they had become duly qualified. If that be so, there is a duty cast on the Public Service Commission to consider them for recruitment, as rightly directed by the High Court.

3. It is not the concern of the Public Service Commission as to how the State will accommodate them in respect of the vacancies available or to be created. The duty of the Public Service Commission is only to conduct the recruitment in terms of the request made by the appointing authority. Once the candidates are duly qualified, the Commission is duty bound under law to consider them also for the recruitment and make the appropriate recommendation. The High Court has done only that.

4. It is also to be noted that the State Government has not chosen to file any Special Leave Petition. It is also submitted by the learned counsel that these appeals have been filed as directed by the State Government. We find it difficult to appreciate the stand taken by the State Government.

5. The Public Service Commission is only an agency to make the recruitment. Rest is for the State, therefore, the State cannot bank on the Public Service Commission as far as the appointments are concerned.

6. For all the reasons stated above, we do not find any merit in these appeals which are, accordingly, dismissed.

Pending interlocutory applications, if any, stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
July 19, 2017.

ITEM NO.4

COURT NO.6

SECTION XV

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). 28364/2015

(Arising out of impugned final judgment and order dated 05-08-2015 in DBCSA No. 428/2015 passed by the High Court Of Rajasthan At Jaipur)

RAJASTHAN PUBLIC SERVICE COMMISSION

Petitioner(s)

VERSUS

KAILASH CHANDRA JYOTISHI AND ORS.

Respondent(s)

WITH

[DIARY NO. 13338 OF 2017]

[DIARY NO. 13339 OF 2017]

[DIARY NO.13501 OF 2017]
(CONDONATION OF DELAY IN FILING SLP)

[DIARY NO. 13502 OF 2017]
(CONDONATION OF DELAY IN FILING SLP and EXEMPTION FROM FILING C/C
OF THE IMPUGNED JUDGMENT)

[DIARY NO. 13684 OF 2017]

[DIARY NO. 13686 OF 2017]

[DIARY NO. 13687 OF 2017]

Date : 19-07-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Surya Kant, AOR

For Respondent(s)

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

Delay condoned.

Leave granted.

The appeals are dismissed in terms of the signed non-reportable Judgment

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

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