

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NO. 12 OF 2017

IN

CIVIL APPEAL NO. 595 OF 2016

UPENDRA KUMAR & ORS.

Appellant(s)

VERSUS

DEBASHISH PANDA & ORS.

Respondent(s)

O R D E R

In view of the order passed in SLP (C) No. 16432
of 2017 along with connected matters dated
23.08.2017, this contempt petition is dismissed.

.....J.
[KURIAN JOSEPH]

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

New Delhi;
August 23, 2017.

ITEM NO.10+9+14+23+24+26+27+28 COURT NO.6 SECTION XI,IIIA,X,XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 16432/2017

(Arising out of impugned final judgment and order dated 06-04-2017 in SA No. 416/2016 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

DEEPAK KUMAR

Petitioner(s)

VERSUS

ABHISHEK KUMAR & ORS.

Respondent(s)

(and IA No.63223/2017-impleading party) (INTERVENTION APPLICATION)
(CLARIFICATION/DIRECTION)
(PERMISSION TO APPEAR AND ARGUE IN PERSON)
(APPROPRIATE ORDERS/DIRECTIONS)
(EXEMPTION FROM FILING O.T.)

WITH

CONMT.PET.(C) No. 833-834/2017 In C.A. No. 587-588/2016 (III-A)
(FOR EXEMPTION FROM FILING O.T.)
(INTERVENTION APPLICATION)
(PERMISSION TO FILE ADDITIONAL DOCUMENTS)

SLP(C) No. 16723/2017 (XI)
(for impleading party)
(CLARIFICATION/DIRECTION)

SLP(C) No. 16672/2017 (XI)
(impleading party)

SLP(C) No. 16669/2017 (XI)
(FOR impleading party)

D. No. 18334 of 2017
(PERMISSION TO FILE ADDITIONAL DOCUMENTS)
(for impleading party)

D. No. 19924 of 2017
(FOR ADMISSION and I.R.)
(EXEMPTION FROM FILING O.T.)
(PERMISSION TO FILE SLP)

D. No. 20008 of 2017
(CONDONATION OF DELAY IN FILING SLP)
(EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

(EXEMPTION FROM FILING O.T.)

D. No. 20150 of 2017
(Intervention application)
(Permission to file additional documents)

D. No. 20387 of 2017
(For admission and IR)
(c/delay in filing SLP)
(EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
(PERMISSION TO FILE SLP)
(for impleading party)

Contempt Petition (C) No. 12 of 2017 in C. A. No. 595 of 2016

D.No. 22129 of 2017
(appln. For Modification)
(for impleading party)

D. No. 22404 of 2017

D. No. 22536 of 2017

SLP (C) No. 12538 of 2016

SLP (C)CC No. 22932 of 2016

SLP (C) No. 34047 of 2016

D. No. 22319 of 2017
(c/delay in filing SLP)
(EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
(exemption from filing OT)
(PERMISSION TO FILE SLP)

SLP (C) No. 21339 of 2017
(exemption from filing OT)

D. No. 22655 of 2017
(EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
(exemption from filing OT)

D. No. 25266 of 2017
(EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
(exemption from filing OT)
(PERMISSION TO FILE SLP)

W.P. (C) No. 476 of 2017
(intervention/impleadment)
(Exemption from filing OT)

W.P. (C) No. 736 of 2017

W.P. (C) No. 735 of 2017

WITH

T.C.(C) No. No. 51/2017 (XVI-A)
(for admission)

T.C.(C) No. 193/2017 (XVI -A)
(FOR ADMISSION)

T.C.(C) No. 219/2017 (XVI -A)
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T.C.(C) No. 208/2017 (XVI -A)
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T.C.(C) No. 233/2017 (XVI -A)
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T.C.(C) No. 256/2017 (XVI -A)
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T.C.(C) No. 242/2017 (XVI -A)
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T.C.(C) No. 226/2017 (XVI -A)
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T.C.(C) No. 239/2017 (XVI -A)
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T.C.(C) No. 255/2017 (XVI -A)
 (FOR ADMISSION)
 T.C.(C) No. 107/2017

Date : 23-08-2017 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

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 Mr. K.V. Vishwanatan, Sr. Adv.
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 Mr. Krishna M. Singh, Adv.
 Mr. S. R. Setia, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
 Mr. Prashant Bhushan, Adv.
 Mr. Anurag Dubey, Adv.
 Mr. Rajesh Pathak, Adv.
 Mr. Abhishek Chakraborty, Adv.
 Mr. Devvrat, Adv.
 Mr. Sanjay Kumar Dubey, Adv.
 Mr. Rakesh Kumar Tewari, Adv.
 Mr. Krishna Kant Dubey, Adv.
 Mr. Devendra Kr. Shukla, Adv.
 Mr. S.R. Setia, AOR
 Mr. Sumit Kumar, AOR

Mr. C.B. Gururaj, Adv.
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 Mr. Prakash Ranjan Nayak, Adv.

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 Mr. Saurabh Agrawal, Adv.
 Mr. Kamendra Mishra, Adv.
 Mr. Aviral Saxena, Adv.
 Mr. Rajeev Dubey, Adv.
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 Mr. V. Giri, Sr. Adv.
 Ms. Pragya Baghel, Adv.
 Mr. Kamal Shankar Chaturvedi, Adv.
 Mr. Anuj Bhandari, AOR

Dr. Bheem Pratap Singh, Adv.
 Mr. Dinesh Kr. Tiwari, Adv.
 Mr. Rakesh Tiwari, Adv.
 Mr. S.K. Tripathi, AOR

Mr. Nihal Ahmad, Adv.
Mr. Alok Shukla, AOR

Mr. Nischal Kumar Neeraj, AOR
Mr. Deependra Kumar Pathak, Adv.
Mr. Om Prakash Mishra, Adv.

Mr. F.A. Khan, Adv.
Mohd. Anees Khan, Adv.
Ms. Shilpa Singh, Adv.

Mr. R.C. Kaushik, AOR
Ms. Ritu Rastogi, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Amol Chitale, Adv.
Ms. Pragya Baghel, Adv.

Mr. Kaushal Yadav, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mrs. Sunita Yadav, Adv.
Mr. R.K. Singh Yadav, Adv.

Mr. Alok Singh, Adv.
Mr. Satveer Singh, Adv.
Ms. Manju Jetly, AOR

Mr. Dhruv Mehta, Sr. Adv.
Ms. Asmita Singh, Adv.
Mr. Yashraj Singh Deore, Adv.
Mr. S.S. Wani, Adv.

Mr. A. Dubey, Adv.
Mr. Rajesh Pandey, Adv.
Mr. Chandra Bhushan Prasad, Adv.

Dr. A. Francis Julian, Sr. Adv.
Mr. Danish Zubair Khan, Adv.

Mr. Prashant Shukla, Adv.
Mr. Satyajeet Kumar, AOR

Dr. Vinod K. Tewari, Adv.
Mr. Pradeep Dwivedi, Adv.
Mr. D.N. Dubey, Adv.
Mr. Sandeep Dwivedi, Adv.
Mr. Vivek Tiwari, Adv.
Mr. Umesh Dubey, Adv.
Mr. Satyam Pandey, Adv.
Ms. Ruma Pathak, Adv.

Mr. Prabhat Kumar Rai, Adv.

Mr. Christopher D'souza, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Shishir Pinaki, Adv.

Mr. Ankolekar Gurudatta, AOR

Ms. Mahalakshmi Pavani, Sr. Adv.

Mr. Tomy Chacko, Adv.

Mr. Gurudatta Ankolekar, AOR

Ms. Meenakshi Arora, Sr. Adv.

Ms. Abha R. Sharma, AOR

Mr. D.S. Parmar, Adv.

Ms. Sujeeta Srivastava, Adv.

Mr. Ankit Mishra, Adv.

Ms. Ananya, Adv.

Mr. Susheel Tomar, Adv.

Mr. Rajesh Srivastav, Adv.

Mr. Varun Chauhan, Adv.

Mr. Vikas Singh, Sr. Adv.

Mr. Yatish Mohan, Adv.

Ms. Vinita Y. Mohan, Adv.

Ms. Pooja, Adv.

Mr. Anuj Bhandari, Adv.

Mr. S.R. Setia, Adv.

Mr. Santosh Kumar, Adv.

Mr. Kausar Raza Faridi, Adv.

Mr. Jugul Kishore Gupta, Adv.

Mr. Rameshwar Prasad Goyal, AOR

Mr. Sanjay Kumar Yadav, Adv.

Mr. Ashok Kumar, Adv.

Dr. Kailash Chand, AOR

Mr. Mrinmay Bhattmewara, Adv.

Mr. Alok Kumar Gupta, Adv.

Mr. A.P.S. Jadaun, Adv.

Mr. Vivek Gupta, Adv.

Ms. Priyanka Kakkar, Adv.

Mr. Devesh Kumar Tripathi, Adv.

Mr. Amit Kumar, Adv.

Mr. Gopal Singh, Adv.

Mr. Basava Prabhu Patil, Sr. Adv.

Ms. Filza Moonis, Adv.

Mr. G. Ramakrishna Prasad, Adv.

Mr. Rakesh K. Khanna, Sr. Adv.

Mr. Susheel Tomar, Adv.

Mr. Rajesh Srivastav, Adv.
Ms. Seema Rao, Adv.

Mr. Soumya Chakraborty, Sr. Adv.
Mr. Riddhi Bose, Adv.
Mr. Danish Zubair Khan, AOR

Mr. Ashwani Kumar Dubey, AOR

Mr. Amit Bose, Adv.
Mr. M.A. Chinnasamy, AOR

Mr. C.B. Gururaj, Adv.
Mr. Amit J., Adv.
Mr. Prakash Ranjan Nayak, Adv.

Mr. S. Premchandra, Adv.
Mr. Ranjeet Kumar Sharma, Adv.

Mr. Jitendra Kumar Tripathi, Adv.
Ms. Rachna Gupta, Adv.
Mr. Vinay Garg, Adv.
Mr. Siddharth S. Malik, Adv.
Mr. R.P. Mehrotra, Adv.

Ms. Anu Gupta, Adv.
Mr. Pawan Kumar Sharma, Adv.
Ms. Suman Kashiab, Adv.

Mr. V. Giri, Sr. Adv.
Mr. Santosh Kumar, Adv.
Mr. Praveen Kumar Rai, Adv.
Mr. Shahbaaz Jameel, Adv.
Mr. Hemal Kiritkumar Sheth, AOR

Mr. Rajeev Dhavan, Sr. Adv.
Mr. R. Venkatramani, Sr. Adv.
Mr. Anand Nandan, Adv.
Mr. Avijit Mishra, Adv.
Mr. Piyush Sharma, Adv.
Mr. Yashraj Bundela, Adv.
Mr. Praveen Vignesh, Adv.
Mr. Amit Pawan, AOR

Mr. K.B. Upadhyay, Adv.
Mr. C.P. Pandey, Adv.
Mr. S.N. Tripathi, Adv.
Mr. S. R. Setia, Adv.

Mr. Kedar Nath Tripathi, Adv.

Mr. Balraj Dewan, Adv.

Mr. Praveen Chaturvedi, Adv.

Mr. Dinesh Tripathi, Adv.

Mr. K. Sarada Devi, Adv.

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

In furtherance to our order dated 01.08.2017, a compliance affidavit has been filed on 21.08.2017. It has been stated therein that 75 officers/Platoon Commandants who had already completed the training, have been issued appointment orders on 15.08.2017. It is also submitted that 2987 Assistant Sub-Inspectors have been called to resume the training and their training is shortly to be completed. Same is the situation with regard to 54 Platoon Commandants as well.

In view of the above, there will be a direction to appoint those among ASIs and Platoon Commandants immediately on completion of the training.

It is also stated in the affidavit that after making the horizontal reservation as per the directions issued by the High Court, 195 candidates belonging to both categories of ASI and Platoon Commandant are to be cleared and they are to be sent for training. Similarly, in the case of those who used whiteners, after completing the reservation procedures, 809 candidates are to be sent for training. These are the figures supplied by the State and on which, there cannot be any dispute. Therefore, we direct the State to send those 809 + 195 (totalling 1004) candidates for training as soon as the slots for training are available, when the

candidates already in training pass out.

We make it clear that within two weeks of the slots becoming vacant, those 1004 candidates shall be sent for training.

In view of the above, I.A. No. 75318 of 2017 in Contempt Petition Nos. 833-834 of 2017 in Civil Appeal Nos. 587-588 of 2016 is disposed of.

In the affidavit filed on 21.08.2017, at paragraph 10, it is stated that while re-working the list of 810 candidates, by applying the reservation as directed by the High Court, 24 candidates went out of the list and 25 candidates have come in the list. As far as these 25 candidates who have come in, we have already ordered that they should be sent for training.

Having regard to the fact that these 24 candidates also had found their names in the list furnished to this court while considering the cases of the candidates who used whiteners, we are of the view that in order to give a quietus to the disputes in that regard, those 24 candidates should also be included as selected and sent for training. Therefore, there will be a direction to include those 24 candidates referred to in paragraph 10, in the select list and send them for training in addition to 1004 candidates, referred to hereinabove.

In view of the order passed above, Contempt Petition No. 12 of 2017 is dismissed in terms of the signed order.

As far as remaining grievances including that of the list of 237 candidates, which we have referred to in our order dated 01.08.2017, are concerned, the learned Additional Advocate General

appearing for the State seeks two week's time to get further instruction.

List on 14.09.2017 at 02.00 PM.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)