

**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) Nos. 22969-22976/2019**

**(Arising out of impugned final judgment and order dated 03-05-2019 in WP Nos.12117/2016, 30/2017, 9447/2017, 9837/2017, 9910/2017, 10373/2017, 11801/2017 and 13060/2017 passed by the High Court Of Judicature At Bombay At Aurangabad)**

**UNION OF INDIA & ORS.**

**Petitioner(s)**

**VERSUS**

**PRAKASH & ORS. ETC. ETC.**

**Respondent(s)**

**(IA No.132840/2019-CONDONATION OF DELAY IN FILING and IA No.132843/2019-EXEMPTION FROM FILING O.T. and IA No.132844/2019-PERMISSION TO FILE SYNOPSIS AND LIST OF DATES and IA No.132838/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**Date : 25-09-2020 These petitions were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE KRISHNA MURARI**

**For Petitioner(s)**      **Mr. K.M.Nataraj,ASG  
Mr. Gurmeet Singh Makker, AOR  
Ms. Sakshi Kakker,Adv.  
Ms. Seema Bengani,Adv.**

**For Respondent(s)**      **Mr. Mukul Rohatgi,Sr.Adv.  
Ms. Misha Rohatgi, AOR  
Mr. Nakul Mohta,Adv.**

**Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Madhav Gupta, Adv.  
Ms. Pallavi Singh, Adv.  
Mr. G. Balaji, AOR**

**Mr. S.R.Rungta,Sr.Adv.  
Mr. Sumit Pragal,Adv.  
Ms. Amita Singh Kalkal, AOR**

**Mr. Shivaji M. Jadhav, AOR  
Mr. Brij Kishor Sah,Adv.  
Mr. Qurratulain,Adv.  
Mr. Aditya S.Jadhav,Adv.  
Mr. Nicholas Choudhary,Adv.**

Mrs. Pragya Baghel, AOR

Mr. Gaurav Agrawal, AOR

Mr. Abhinav Agrawal, AOR

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

Applications from exemption from filing official translation, permission to file synopsis and list of dates and permission to file additional documents/facts/annexures are allowed.

On hearing learned senior counsel for the parties, we find that learned Additional Solicitor General for the petitioners in the special leave petition seeks to rely on page 716 to contend that the percentage of suspicious cases were 46%. However, we find from the impugned order at para 36 and para 37 at page 198-199 that after an elaborate exercise the finding of the Court is that the total number of malpractices cases is about 10%.

We have thus, put to learned Additional Solicitor General that if this finding is correct, then we cannot countenance a situation where the whole process is brought to an end but of course if the malpractices are to the extent of almost 50%, a different scenario would emerge. The Vigilance Department has also looked into this issue. If the candidates are 10% and those cases are decipherable as per the vigilance report, then others should not suffer.

Learned Additional Solicitor General seeks a week's time to file an affidavit in this behalf. We permit him to do so making it clear to learned counsel for parties that the aforesaid is the

limited extent to which we will analyze the case.

List on 26<sup>th</sup> October, 2020 at the end of the Miscellaneous list.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR