

ITEM NO.1

COURT NO.1

SECTION III-A

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

Civil Appeal No. 1867/2006

MALIK MAZHAR SULTAN & ANR.

Appellants

VERSUS

U.P. PUBLIC SERVICE COMMISSION
THROUGH ITS SECRETARY & ORS.

Respondents

(ONLY I.A. NO.81776/2019 - FOR EXTENSION OF TIME and COMPLIANCE REGARDING ISSUE OF UTILIZATION CERTIFICATE FOR THE YEARS 2017-2018 BY THE STATES OF UTTARAKHAND, ARUNACHAL PRADESH AND TRIPURA AND UNION TERRITORIES OF PUDUCHERRY, DELHI AND CHANDIGARH)

WITH

SMW(C) No. 1/2017 (PIL-W)

SMW(C) No. 2/2018 (PIL-W)

Date : 09-07-2019 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

Mr. Vijay Hansaria, Sr. Adv. (A/C)
Mr. Avnish Pandey, Adv.

By Courts Motion, AOR

For Appellants

Mr. Ejaz Maqbool, AOR

For Respondents

Mr. R. Balasubramanian, Sr. Adv.
Ms. Aishwarya Bhati, Sr. Adv.
Ms. Binu Tamta, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. A.K. Sharma, Adv. (AOR)
Mr. Mukesh Kumar Maroria, AOR
Mr. B.V. Balram Das, Adv. (AOR)

Mr. R.N. Venjrani, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K. Rajora, Adv.

Mr. T.V. George, AOR

Mr. Anil K. Jha, AOR

Dr. Manish Singhvi, Sr. Adv.

Mr. Satyendra Kumar, Adv.

Mr. Shailja Nanda Mishra, Adv.

Mr. Milind Kumar, AOR

Mr. Soumya Chakraborty, Sr. Adv.

Mr. Kunal Chatterji, AOR

Ms. Maitrayee Banerjee, Adv.

Mr. R. Venkataramani, Sr. Adv.

Mr. V.G. Pragasam, AOR

Mr. Prabu Ramasubramanian, Adv.

Mr. S. Manuraj, Adv.

Mr. Yashraj Singh Bundela, Adv.

Mr. Praveen Vignesh, Adv.

Mr. Apoorv Kurup, Adv. (AOR)

Mr. A.C. Boviputro, Adv.

Ms. Nidhi Mittal, Adv.

Mr. Chirag M. Shroff, AOR

Ms. Sanjana Nangia, Adv.

Ms. Diksha Khanna, Adv.

Mrs. Mahima C. Shroff, Adv.

Ms. Natasha Vij, Adv.

Dr. Monika Gusain, AOR

Ms. Sakshi Kakkar, AOR

Mr. Shakti Singh, Adv.

Ms. Rachana Srivastava, AOR

Mr. Aviral Saxena, Adv.

Mr. Gaurav Sharma, Adv.

Mr. Naresh K. Sharma, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. A. Rajarajan, Adv.

Mr. Sanjeev Kumar Choudhary, Adv.

Ms. A. Subhashini, AOR

Mr. Vishnu Sharma, AOR

Ms. Anupama Sharma, Adv.

Mr. Shrish Kumar Misra, AOR

Mr. Bimlesh Pandey, Adv.

Mr. Keshav Mohan, Adv.
Mr. Prashant Kumar, Adv.
Mr. Santosh Kumar - I, AOR

Mr. Ranjan Mukherjee, AOR
Mr. K.V. Kharlyngdoh, Adv.
Ms. Aprajeeta Mukherjee, Adv.

Mr. Krishnanand Pandey, AOR

Mr. V.N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.

Mr. Atul Nanda, AG, Punjab
Mr. Karan Bharihoke, AOR
Mr. Navkiran Bolay, Adv.
Mr. Siddhant Sharma, Adv.

Dr. Rajesh Pandey, Adv.
Mr. Mahesh Pandey, Adv.
Ms. Aswathi M.K., AOR

Ms. Sneha Kalita, AOR

Mr. Shibashish Misra, AOR
Mr. Chandan Kumar Mandal, Adv.
Mr. Ashish Kumar Sinha, Adv.
Mr. Ompal Singh, Adv.

Ms. Hemantika Wahi, AOR
Ms. Puja Singh, Adv.

Mr. Ankit Goel, AOR

Mr. Rahul Kaushik, Adv. (AOR)
Ms. Bhuvneshwari Pathak, Adv.
Ms. Shilpi Satyapriya Satyam, Adv.

Ms. Uttara Babbar, AOR
Mr. Manan Bansal, Adv.

Mr. Sanjai Kumar Pathak, Adv.
Ms. Shashi Pathak, Adv.
Mr. Arvind Kumar Tripathi, Adv.

Mr. G.N. Reddy, Adv. (AOR)
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mrs. Sujatha Bagadhi, Adv.

Mr. Gopal Prasad, AOR

Mr. Tapesb Kumar Singh, AOR
Mr. Aditya N. Das, Adv.
Mr. Aditya Pratap Singh, Adv.

Mr. M. Yogesh Kanna, AOR
Mr. S. Partha Sarathi, Adv.
Mr. S. Raja Rajeshwaran, Adv.

Mr. Amit Kumar, AG
Mr. T.K. Nayak, Adv.
Mr. Chetan Joshi, Adv.
Mr. Avijit Mani Tripathi, AOR

Mr. Leishangthem Roshmani Kh., Adv.
Ms. Maibam Babina, Adv.
Ms. Anupama Ngangom, Adv.

Mr. Jai Dehadrai, Adv.
Mr. Prashant Vaxish, Adv.
Mr. S.S. Rebello, Adv.
Ms. Manisha Ambwani, AOR

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR

Mr. Shuvodeep Roy, AOR

Mr. Shuvodeep Roy, AOR
Mr. Kabir Shankar Bose, Adv.
Mr. Kabir Kishore Bose, Adv.
Ms. Varsha Poddar, Adv.

Mr. M. Shoeb Alam, AOR
Mr. Ujjwal Singh, Adv.
Mr. Gautam Prabhakar, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Vikas Mahajan, AAG, H.P.
Mr. Aakas Varma, Adv.
Mr. Anil Kumar, Adv.
Mr. Vinod Sharma, AOR

Mr. Sanjay Kumar Tyagi, AOR
Mr. Sandeep S., Adv.

Mr. S. Udaya Kumar Sagar, AOR
Ms. Swati Bhardwaj, Adv.

Mr. A. Tewari, Adv.

Ms. Eliza Bar, Adv.
Mr. Shree Pal Singh, AOR

Mr. P.I. Jose, AOR
Ms. P.S. Chandralekha, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
for M/s. Arputham Aruna And Co, AOR

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Vipin Nair, AOR
Mr. P.B. Suresh, Adv.
Mr. Karthik Jayashankar, Adv.

Mr. Sunil Kumar Jain, AOR
Mr. Abhishek Jain, Adv.
Ms. Anusha Agarwal, Adv.

Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Kajal Dalal, Adv.
Mr. Prastut Dalvi, Adv.
Ms. Dimple Nagpal, Adv.
for M/s. PLR Chambers And Co., AOR

Mr. Arjun Garg, AOR
Mr. Davansh Shrivastava, Adv.

Mr. Lakshmi Raman Singh, AOR
Mr. R. Sathish, AOR
Mr. B. Balaji, AOR
Mr. Kamal Mohan Gupta, AOR
Mr. Radha Shyam Jena, AOR
Mr. Jagjit Singh Chhabra, AOR
Ms. Asha Gopalan Nair, AOR

Mr. K. Parameshwar, AOR
Mr. Suwendu Suvasis Dash, AOR
Ms. Binu Tamta, AOR
Ms. S. Janani, AOR
Mr. Naresh Bakshi, AOR
Mr. Prakash Kumar Singh, AOR
Mr. K.K. Mohan, AOR
Mr. Anuvrat Sharma, AOR
Mr. T.V. Ratnam, AOR
Mr. Rana Ranjit Singh, AOR
Mr. Annam D. N. Rao, AOR
Mr. R. Nedumaran, AOR
Mrs. D. Bharathi Reddy, AOR
Mr. Y. Raja Gopala Rao, AOR
Mr. T. Mahipal, AOR
Mr. Avijit Bhattacharjee, AOR
Mr. M. R. Shamshad, AOR
Mr. Siddhartha Chowdhury, AOR
Ms. Asha Jain Madan, AOR
Mr. Merusagar Samantaray, AOR
Mr. Jatinder Kumar Bhatia, AOR
Mr. Ajay Pal, AOR
Mr. Ashwani Kumar, AOR
Mr. Anil Shrivastav, AOR
Mr. Pradeep Misra, AOR
Mr. Arun K. Sinha, AOR
Mr. T.G. Narayanan Nair, AOR
Mr. B.S. Banthia, AOR
Mr. Naresh Kumar, AOR
M/s. Parekh & Co., AOR
Mr. Parijat Sinha, AOR
Mr. Kaushal Yadav, AOR
Mr. Sunil Kumar Verma, AOR
Mr. S.C. Patel, AOR

Mr. Sunny Choudhary, AOR
Ms. Sumita Hazarika, AOR
Mr. Shail Kumar Dwivedi, AOR
Mr. Tara Chandra Sharma, AOR
Mr. Abhijit Sengupta, AOR
M/s. Corporate Law Group, AOR
Mr. Sibho Sankar Mishra, AOR
Mr. Ugra Shankar Prasad, AOR
Mr. Ashok Mathur, AOR
Mr. Kamendra Mishra, AOR
Mrs. Bina Gupta, AOR
Mr. Anandh Kannan N., AOR
Mr. Krishnayan Sen, AOR
Mr. Kamini Jaiswal, AOR
Mrs. Sarla Chandra, AOR
Ms. Ruchi Kohli, AOR
Mr. Guntur Prabhakar, AOR
Mr. Ashok K. Srivastava, AOR
Mr. Nishanth Patil, AOR
Mr. Mishra Saurabh, AOR
Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Ashok Kumar Singh, AOR
Mr. Som Raj Choudhury, AOR
Ms. Ranjeeta Rohatgi, AOR
Mr. Rohit K. Singh, AOR
Mr. Gopal Singh, AOR
Mr. Ardhendumauli Kumar Prasad, AOR
Mr. Naveen R. Nath, AOR
Mr. Abhinav Mukerji, AOR
Mr. Yadav Narender Singh, AOR
Mr. Gaichangpou Gangmei, AOR
Mr. Vivek Singh, AOR

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

We have heard Mr. Vijay Hansaria, learned *Amicus Curiae* and Mr. Tushar Mehta, learned Solicitor General of India. The learned *Amicus Curiae* has submitted that directions of this Court in the order dated 28.2.2019 and the further directions in the subsequent order dated 23.4.2019 have substantially been complied with.

Proceeding further, the learned *Amicus Curiae* has placed before the Court a report dealing with Central Funding on infrastructure of subordinate judiciary. We have read and considered the said report, which inter alia, includes certain suggestions of the learned *Amicus Curiae*, which have been incorporated in paragraphs 15(a), 15(b) and 15(c) of the report dated 9.7.2019. Mr. Mehta, learned Solicitor General is granted time until 31.7.2019 to interact with the concerned officials of the Union of India and to lay before the Court the views of the Union of India with regard to the aforesaid suggestions made by the learned *Amicus Curiae*.

List the matter on 31.7.2019 for consideration of the above aspect of the matter.

Regarding the issue of filling up of the vacancies in different cadres of the District and subordinate judicial services of the States and Union Territories, the concerned authority of the State Governments/Union Territories and also the Registrar Generals of the jurisdictional High Courts shall inform the Secretary General of this Court the position with regard to filling up of the vacancies in the judicial service(s) in each State. The position required to be placed before the Court will be as on 30.6.2019. The aforesaid authorities shall indicate the total strength

of each cadre; the number of posts in different cadres actually filled up; the number of posts in each cadre lying vacant; the number of posts in respect of which selection is presently going on and the stage of the said process of selection, and finally, the number of posts in different cadres for which the process of selection is yet to be initiated.

The aforesaid aspect of the case will be considered by this Court again on 30.7.2019. The learned *Amici Curiae* appointed for the four groups of States/Union Territories in terms of the order dated 22.10.2018 are requested to be present. The information required to be placed before the Court shall also be made available to the aforesaid learned *Amici Curiae* i.e. Mr. Shyam Divan, Mr. K.V. Vishwanathan, Mr. Vijay Hansaria and Mr. Gaurav Agrawal, who will go through the same and offer their views on the date fixed i.e. 30.7.2019.

The Law Secretaries of each of the States and the Registrar Generals of each of the High Courts shall be personally present in Court on the date fixed i.e. 30.7.2019.

The Registry is directed to list the matters for consideration in terms of the present order on the date fixed.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master