

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 943 OF 2013

(Arising out of SLP(C) No.18510/2012)

HARI KISHAN

Appellant(s)

:VERSUS:

RAJASTHAN HIGH COURT & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 944 OF 2013

(Arising out of SLP(C) No.18511/2012)

CIVIL APPEAL NOS. 945-948 OF 2013

(Arising out of SLP(C) Nos.18512--18515/2012)

CIVIL APPEAL NO. 949 OF 2013

(Arising out of SLP(C) No.18516/2012)

CIVIL APPEAL NO. 950 OF 2013

(Arising out of SLP(C) No.18517/2012)

CIVIL APPEAL NO. 951 OF 2013

(Arising out of SLP(C) No.18518/2012)

O R D E R

1. Leave is granted in all the matters.
2. We have heard the learned counsel for the parties at length.
3. By our order dated 16.1.2013, we had expressed the opinion that all candidates, who were shown to have passed the preliminary examination in

the initial (original) declaration of result as also those declared successful on the basis of the revised result, ought to be permitted to sit in the written examination. We had also made it clear that the candidates who had succeeded in the first preliminary examination but had been excluded on the basis of the subsequent exercise, shall also be permitted to sit in the written examination. We had also requested the High Court of Rajasthan to conduct the entrance examination for entry into the Rajasthan Judicial Services in future. Furthermore, we had requested the High Court to take over the responsibility of holding the written examination for the present selection also.

4. In response to our request, the High Court of Rajasthan has filed an affidavit on 24.1.2013 through its Registrar. It has been stated in the affidavit that pursuant to this Court's order dated 16.1.2013, a meeting of the Full Court was convened to consider two issues, namely:

- (i) whether the High Court at present would be in a position to conduct

the Main Examination, 2011 or not?

- (ii) secondly, whether the High Court would be able to equip its Examination Cell adequately to conduct the entrance examination for the Rajasthan Judicial Services in the near future or not?

5. The affidavit points out that in the present selection process, the number of candidates that would be eligible to appear in the Main Examination, would be approximately 3894. The written examination will have to be simultaneously conducted at Jodhpur and Jaipur. However, according to the affidavit, the Examination Cell of the High Court does not have the staff for conduct of the examination. The High Court has, therefore, expressed its inability to conduct the written examination for the current selection process.

6. At the same time it is pointed out by the High Court that the selection of officers to the Rajasthan Judicial Services has been extremely delayed and there is an acute shortage of judicial officers. It is, therefore, suggested that the

Rajasthan Public Service Commission be permitted to conduct the written examination for the present selection process, to avoid any further delay. The High Court has also pointed out that even in future, the examination can only be held by the High Court provided the necessary infrastructure is created. For this purpose, the High Court will forward the necessary proposal to the State Government for sanction of necessary funds and for creating adequate infrastructure.

7. Keeping the aforesaid facts and circumstances in view, we have no option but to direct the Rajasthan Public Service Commission to hold the written examination for the present selection. We further direct that on the necessary proposal being received by the State of Rajasthan, the same would be examined with a sense of urgency and an appropriate decision taken to provide the necessary infrastructure to the High Court for holding the future examinations for recruitment to the Rajasthan Judicial Services.

8. With regard to the candidates to be permitted

to sit in the written examination, it is directed that all the candidates who have passed in the original preliminary examination, shall be allowed to sit in the written examination. In other words, those candidates who had succeeded in the original preliminary examination and have been excluded on the basis of the subsequent exercise, shall be permitted to sit in the written examination.

9. We do not find any justification for making any further amendment to the category of candidates to be permitted to sit in the written examination, as suggested by the applicants in I.A. Nos.2, 3 & 4.

10. We are constrained to place the limit on the candidates to take the written examination in view of the statement made by Mr. Rakesh Khanna, learned Additional Solicitor General. According to him, the Rajasthan Public Service Commission is required to call fifteen times the number of candidates to the number of posts to be filled. In the present case, there are 114 vacancies. Therefore, strictly speaking, only 1710 candidates could be permitted to sit in the written examinations. However, as a

result of the addition of the candidates after the second exercise, the number of candidates have now increased to about 1900.

11. In view of the above, we are not inclined to accept the submissions made by the applicants in I.A. Nos.2, 3 & 4. Accordingly, these I.As. are dismissed. Let the written examinations be conducted by the Rajasthan Public Service Commission in the manner indicated above, within a period of two months from today. The result thereof be declared positively within a period of one month thereafter.

12. The appeals are disposed of accordingly.

JUDGMENT

.....J
(SURINDER SINGH NIJJAR)

.....J
(M.Y. EQBAL)

New Delhi;
January 30, 2013.