

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6036 OF 2003

D.G., ALL INDIA RADIO & ANR.

.....

APPELLANTS

VERSUS

PURANAM PURUSHOTHAM SASTRY

.....

RESPONDENT

O R D E R

1. We have heard the learned counsel for the respondent as the appellant's counsel is not present.
2. The claim of the respondent-writ petitioner was that in the light of his expertise in the field of Carnatic vocal music, he was not required to appear in the audition. Reliance has been placed on the experience certificate dated 20th October, 1971, issued on the directions of the Director General, All India Radio, which reads as under:

“We are glad to inform you that our Director General is pleased to exempt you from audition for the broadcast of classical vocal music (Carnatic). Broadcast engagements will be offered to you as and when opportunities arise.”

3. Keeping in view the aforesaid certificate and

other material on record, the learned single Judge of the High Court issued the following directions:

"The petitioner being 77 years old and having enormous experience in the vocal music field and keeping in view the exemption certificate issued by the Director General of the All India Radio, this Court feels that subjecting the petitioner for audition test is illegal and arbitrary and accordingly, the writ petition is disposed of directing the respondents to engage the petitioner for Classical vocal Music (Carnatic) duly paying the remuneration of the artist of 'A' grade without insisting on audition test. No costs."

4. This finding has been endorsed by the Division Bench with minor modifications.

5. The learned counsel for the respondent who has appeared through the Legal Services Committee of this Court has pointed out that the respondent is as of now 87 years of age and in the light of this position, the present appeal ought to be dismissed. We are of the opinion that the directions issued on the facts of this case by the learned Single Judge and the Division Bench of the High Court largely call for no interference but the direction to the appellants in the order dated 20th November, 2001, "to engage the petitioner for Classical Vocal Music (Carnatic) duly paying the remuneration of the artist of 'A' Grade without insisting on audition

test.” needs to be modified to the extent that it would be open to the appellants keeping in view the present state of affairs to engage the respondent as an artist of Carnatic classical vocal music and to pay him remuneration as an 'A' Grade artist.

6. The appeal is disposed of with the above directions.

.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

NEW DELHI
MAY 04, 2010.

