IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.514 OF 2015

IN THE MATTER OF:

CENTRE FOR PUBLIC INTEREST LITIGATION

...PETITIONER

VERSUS

THE REGISTRAR GENERAL OF HIGH COURT OF DELHI

...RESPONDENT

INDEX

Sl. No.	Particulars	Page No.
1.	Affidavit of Compliance with order dated 13.04.2016	1-5
2.	Copy of letter dated 26.04.2016 (Annexure R-1 colly)	6-9
3.	Copy of Notification dated 12.07.2016 issued by Government of NCT of Delhi (Annexure-R2)	10-11

A.D.N. RAO ADVOCATE-ON-RECORD FOR THE RESPONDENT

IN THE SUPREME COURT OF INDIA

[CIVIL ORIGINAL JURISDICTION]

W.P.(C) NO. 514 OF 2015

Centre For Public Interest Litigation ... Petitioner

Versus

Registrar General of the High Court of Delhi ... Respondents

AFFIDAVIT OF COMPLIANCE WITH THE ORDER OF THIS HON'BLE COURT DATED 13.04.2016

I, Vinod Goel, S/o. Sh. C.B. Goel, aged about 59 years, presently working as Registrar General, High Court of Delhi, New Delhi, do hereby solemnly affirm and state as under:-

1. That I am the sole Respondent herein and as such well conversant with the facts of the case.

2. I submit that during the course of the hearing held on 13.04.2016 Counsel for Petitioner in W.P. (C) No.514 of 2015 submitted a Short Note praying for the adoption of the same for future examination to improve the examination system.

3. That this Hon'ble Court directed the answering Respondent to respond to the said submissions and accordingly the following submission are being made. I submit that the Short Note contain the following suggestions :-

a) In the Preliminary exams, the OMR sheets be ordered to be filled up in pen and not pencil.

b) In the Preliminary exam result, the names of candidates be mentioned and not omitted as done in the new 2015 notification by the respondent.

NOTARY Rajendra Kumar Delhi Regd. No. 5780 Date of Expiry 27th April-2018 GOVT. OF INDIA

c) In checking of the mains papers, the procedure laid down by the 3 Supreme Court Judgment be followed, in letter and spirit- the 3 judgment are Sanjay Singh [(2007) 3 SCC 720], Prashant Ramesh Chakkarwar [(2013) 12 SCC 489] and Sujasha Mukherji [2015AIR (SCW) 1582]. The produce laid down is there be a chief examiner, who then sets paper and also makes the model answers. Then additional examiners are appointed who then check the papers as per the model answers. And then finally the chief examiner conducts rationalization where he basically checks if the additional examiners checked as per his specification.

d) The candidates be provided a copy of their answer scripts under the RTI and as per two Supreme Court judgments of Central Board of Secondary Education (CBSE) v. Aditya Bandopadhyay SC 2011) and Kerala Public Service Commission Vs State Information Commission (SC 2016).

e) Arbitrary absolutely cut offs for interview qualification be replaced with ranking method.

f) The DJS exam be held every year like the UPSC exam.

4. The Response of the answering Respondents to the said suggestions are as under:-

"a. It is submitted that Hon'ble the Chief Justice vide Order dated 19.03.2016 has approved the recommendations of the Examination-cum-Judicial Education and Training Programme Committee wherein it was recommended that the practice of marking the answers in OMR answer sheets with pencil may be discontinued immediately and henceforth the candidates for Delhi Higher Judicial Service Preliminary Examinations and Delhi Judicial Service Preliminary Examinations may be instructed to mark the

NOTARY
Rajendra Kumar
Delhi
Regd. No. 5780
Date of Expiry
27th April-2018
GOVT. OF INDIA

answers in OMR answer sheets with Blue/Black Ball Point Pen only. As such, this suggestion already stands implemented. Pursuant to the aforesaid directions, this Court had conducted Delhi Higher Judicial Service Examination Preliminary Examination 2015 accordingly by issuing instructions to the candidates for filling of OMR answer sheets with Blue/Black Ball point pen only.

b. It is submitted that earlier the names used to be mentioned. But in 2015 vide letter dated 18.02.2016 a candidate namely Mr. Bhabhuti Prasad had given representation before the declaration of result of Delhi Judicial Service Preliminary Examination 2015 whereby he had prayed this Court to consider publishing only roll numbers and not the names of the candidates for the result of Delhi Judicial Service Preliminary Examination on the following grounds in this regard:-

1. This is a standard practice followed by UPSC and other examination holding bodies. It has two positive effects one the examiner's workload will be reduced to only publishing roll numbers and second, the candidate's privacy stays intact.

2. The candidate will not feel depressed as the marks awarded to him will be available to himself only and not to the other candidates.

3. The working candidates in private firms will come under bad light if it is revealed that they have taken a competitive exam while working for them.

The aforesaid request of the applicant was approved by Hon'ble the Chief Justice on the recommendations of the Examination-cum-Judicial Education and Training Programme Committee.

NOTARY
Rajendra Kumar
Delhi
Regd. No. 5780
Date of Expiry
27th April-2018
GOVT. OF INDIA

c. *Delhi Judicial Service Main Examination (Written) has four papers i.e. General Knowledge & Language, Civil Law-I, Civil-II, and Criminal Law and these four are further divided into two parts i.e. Part 'A' & Part 'B' in the aforesaid Examination. These eight papers are evaluated by different examiners, Rationalization by Chief Examiner is necessary when a paper is examined by two or more examiners. In DJS Main Examination (Written) each paper is examined by a single examiner, therefore, the question of rationalization would not arise.*

d. *It is submitted that after declaration of the result of Preliminary and Main Examinations of Delhi Judicial Service, on the request of candidates under RTI Act, the inspection of OMR answer sheets and answer sheet of Main Examination papers is being allowed by this Court in terms of the Judgment of Supreme Court in* ***Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.*** *dated 09.08.2011 in Civil Appeal No.6454 of 2011. Thus, we are already following the practice as directed by Hon'ble Supreme Court in this judgment. However, the photocopies of the answer sheets will be given to the candidates, if so applied under the RTI Act.*

e. *It is submitted that Delhi Judicial Service Examination is conducted by this Court according to Delhi Judicial Service Rules, 1970 wherein cut off marks for Preliminary, Main and interviews of Delhi Judicial Service Examination are prescribed. Further, minimum cut off is maintained in most of the examinations and the rationale behind is that the candidate has the minimum basic knowledge in each subject.*

NOTARY
Rajendra Kumar
Delhi
Regd. No. 5780
Date of Expiry
27th April-2018
GOVT. OF INDIA

f. It is submitted that the reason behind not conducting Delhi Judicial Service Examination every year is lack of infrastructure/court rooms for holding of court for the selected candidates."

5. I further submit that this Court conducted the viva voce of the candidates on 21.03.2016 and declared the final result on 26.04.2016.

Vide letter dated 26.04.2016, this Court forwarded the names of 11 candidates to Government of NCT of Delhi with a request that approval of the Hon'ble Lt. Governor (the Administrator), NCT of Delhi, may kindly be obtained and conveyed to this Court at the earliest (Annexure R-1 colly). As on date, the Government of NCT of Delhi has issued notification dated 12.07.2016 for appointment of 5 candidates (Annexure R-2).

6. I state that what is stated herein above is true and correct.

NOTARY Rajendra Kumar Delhi Regd. No. 5780 Date of Expiry 27th April-2018 GOVT. OF INDIA

Registrar General
High Court of Delhi
New Delhi

DEPONENT

VERIFICATION :

I, the above named Deponent do hereby verify that the contents of Paras 1 to 6 of the above affidavit are true and correct to the best of my knowledge as per the information available on the records and believed to be true and nothing material has been concealed therefrom.

Verified on this 21st day of July, 2016 at New Delhi.

Registrar General
High Court of Delhi
New Delhi

DEPONENT

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT DELHI ON 21.07.2016 AT 4.10 PM IDENTIFIED BY IDENTIFY THE EXECUTANT/ DEPONENET WHO WAS SIGNED IN THE PRESENCE OF

ATTESTED
RAJENDRA KUMAR
NOTARY, DELHI-R-5780
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
Register Sr. No. 2-1.8.7.16

Ph. 9212401692
9868446209

VINOD GOEL
REGISTRAR GENERAL

6 ANNEXURE R-1

HIGH COURT OF DELHI
Sher Shah Road
New Delhi-110 503
Off. : 23387989
Fax : 23073485

MOST IMMEDIATE

D.O. No. 2037/DHC/Gaz./DJS Exam-2014/2016

Dated, the 26th April, 2016

Sub. : Appointment to the Delhi Judicial Service

Dear Brijesh G

I am desired to say Delhi Judicial Service Main Examination (Written) -2014 was conducted on 11th and 12th October, 2014 for filling up 80 posts (55 General, 08 Scheduled Castes and 17 Scheduled Tribes for recruitment to Delhi Judicial Service. Out of these 80 vacancies, 03 vacancies were reserved for Physically Handicapped (Blind/Low Vision) (mobility not to be restricted) and 01 vacancy was reserved for Orthopedically Handicapped, {OA - one arm affected (right or left), OL - one leg affected (right or left), BL - both legs affected but not arms}. Pursuant to the directions of the Full Court of this Court, vide letter No. 4111/DHC/Gaz./DJS Exam-2014/2015 dated 24.08.2015, it was recommended that 15 candidates be appointed to the Delhi Judicial Service on probation for a period of two years against existing vacant posts subject to outcome of Writ Petition (Civil) No. 514/2015 titled 'Centre for Public Interest Litigation vs. Registrar General of the High Court of Delhi' pending before the Hon'ble Supreme Court of India and Writ Petition (Civil) No. 2828/2010 titled 'Surender Pal Singh Chauhan vs. State & Anr.' pending before this Court. Accordingly, notifications dated 16.11.2015, 01.12.2015 and 07.12.2015, were issued by the Govt. of NCT of Delhi, thereby appointing 15 candidates as officers of Delhi Judicial Service.

In Writ Petition (Civil) No. 514/2015 titled 'Centre for Public Interest Litigation vs. Registrar General of the High Court of Delhi' and Writ Petition No. 712/2015 titled 'Sonal Gupta vs. Registrar General of High Court of Delhi', the Hon'ble Supreme Court of India, vide orders dated 14.12.2015 was pleased to appoint Hon'ble Mr. Justice P.V. Reddi, former Judge of Supreme Court of India for revaluation of answer papers of Delhi Judicial Service Main Examination (Written) - 2014. His Lordship submitted an interim report of revaluation before the Hon'ble Supreme Court which was accepted by the Hon'ble Court vide its order dated 10.03.2016. As per the said report dated 24.02.2016, 12 more candidates who had appeared in Delhi Judicial Service Main Examination (Written) - 2014 were found to have obtained qualifying marks for being called for the interview. Vide aforesaid order dated 10.03.2016, Hon'ble Supreme Court

directed that the interview of the said 12 candidates be held within four weeks and the result of the interview be filed before the Hon'ble Supreme Court by 25.04.2016. It was also inter-alia clarified by the Hon'ble Court in its order dated 14.12.2015 that the candidates who shall be selected would not be ranked senior to the candidates who have already been selected and appointed.

Accordingly, all the 12 candidates were called for Viva Voce, but only 11 [10 General and 01 SC] appeared before Selection Committee which met on 21.03.2016. One candidate, namely, Ms. Joshica Sood did not report for the interview and, therefore, forfeited her candidature. After viva voce, the Selection Committee prepared a list of 11 candidates in order of merit taking into consideration the marks secured by each candidate in the written examination and in the viva voce.

Thereafter, the result was submitted before the Hon'ble Supreme Court and vide order dated 13.04.2016, the Hon'ble Court had been pleased to inter-alia direct as hereunder :

> ".....All the eleven candidates have been found suitable. The respondents are at liberty to issue letters of appointment to the selected candidates.
>
> XX XX XX XX XX XX
>
> Needless to say, the inter se seniority shall be governed as directed vide order dated 14th December, 2015."

The Full Court has confirmed the list of 11 recommended candidates in order of merit prepared by the Selection Committee, copy of which is being forwarded herewith as **Annexure 'A'**. The Full Court also resolved to recommend the names of 11 candidates as per list in order of merit to the Administrator, Govt. of NCT of Delhi, for appointment to the Delhi Judicial Service. The Full Court also resolved that the selection and appointment of these 11 candidates to Delhi Judicial Service is subject to outcome of Writ Petition (Civil) No. 514/2015 titled 'Centre for Public Interest Litigation vs. Registrar General of the High Court of Delhi' and Writ Petition (Civil) No. 712/2015 titled 'Sonal Gupta vs. Registrar General of High Court of Delhi' pending before the Hon'ble Supreme Court of India and Writ Petition (Civil) No. 2828/2010 titled 'Surender Pal Singh Chauhan vs. State & Anr.', pending before this Court.

The Full Court has further resolved that in terms of order dated 14.12.2015 in Writ Petition (Civil) No. 514/2015, these 11 candidates would not be ranked senior to the candidates who have already been selected and appointed.

8

I am, therefore, to request that approval of the Hon'ble Lt. Governor (the Administrator), NCT of Delhi, to the list of 11 selected candidates **(Annexure 'A')** in order of merit prepared by the Selection Committee on the basis of competitive examination (including written and viva voce) - Delhi Judicial Service Examination 2014, may kindly be obtained and conveyed to this Court at the earliest.

In view of the above resolution of the Full Court, this Court also recommends that 11 selected candidates in order of merit as mentioned in the list enclosed **(Annexure 'A')** be appointed to the Delhi Judicial Service on probation for a period of two years against existing vacant posts subject to outcome of Writ Petition (Civil) No. 514/2015 titled 'Centre for Public Interest Litigation vs. Registrar General of the High Court of Delhi' and Writ Petition (Civil) No. 712/2015 titled 'Sonal Gupta vs. Registrar General of High Court of Delhi' pending before the Hon'ble Supreme Court of India and Writ Petition (Civil) No. 2828/2010 titled 'Surender Pal Singh Chauhan vs. State & Anr.', pending before this Court.

The appointment of all the 11 candidates shall be subject to they being declared medically fit as required by Rule 30 of the Delhi Judicial Service Rules, 1970, and subject to verification of their antecedents.

Copies of applications of all the 11 candidates are being sent herewith for kind perusal.

With Regards,

Yours sincerely,

Encl. : As above

Sd- 26.04.2016

(VINOD GOEL)
REGISTRAR GENERAL

Mr. Brijesh Sethi
Principal Secretary (Law, Justice & Legislative Affairs),
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate, New Delhi

9

ANNEXURE-A

DELHI JUDICIAL SERVICE EXAMINATION, 2014

LIST OF CANDIDATES IN ORDER OF MERIT PREPARED BY THE SELECTION COMMITTEE

Sl. No.	Main Roll No.	Name	Category	Marks in the Written Exam as per Orders dated 10.03.2016 passed by Hon'ble Supreme Court in WPC 514/2015 and 712/2015 (Max Marks - 850)	Marks obtained in viva voce (Max. Marks 150)	Total marks obtained out of 1000 marks	Position in order of Merit	Remarks
1	222	NEHA PRIYA	GENERAL	449	117	566	1	
2	591	DIVYA MALHOTRA	GENERAL	429	119	548	2	
3	129	RICHA SHARMA	GENERAL	425	120	545	3	
4	345	MAYANK MITTAL	GENERAL	427	116	543	4	
5	273	NISHANT GARG	GENERAL	427	114	541	5	Date of birth-13.8.86
6	590	NITESH GUPTA	GENERAL	433	108	541	6	Date of birth-28.11.89
7	113	SWATI GUPTA	GENERAL	434	103	537	7	
8	81	DHANASHREE DEKA	GENERAL	428	108	536	8	
9	200	DEEPAK VATS	GENERAL	427	106	533	9	Date of birth-30.10.85
10	248	FAHAD UDDIN	GENERAL	425	108	533	10	Date of birth-06.05.86
11	563	PRAGATI	SC	385	107	492	11	

ANNEXURE R-II

10

(To be published in Delhi Gazette Part –IV Extraordinary)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)
8TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE,
NEW DELHI – 110002

No.F.6/3/2014-Judl./Suptlaw/611-617 Dated 12th July, 2016

NOTIFICATION

No.F.6/3/2014-Judl./Suptlaw/ 611-617 :- In pursuance of the provisions of rule 18 of the Delhi Judicial Service Rules, 1970 as amended up to date, the Lt. Governor of the National Capital Territory of Delhi, in consultation with the High Court of Delhi, is pleased to appoint the following five candidates as members of the Delhi Judicial Service on probation for a period of two years with effect from the date they assume charge of their respective offices on being posted by the Delhi High Court, New Delhi:

S.No.	Name of the candidate
1	Mr. MAYANK MITTAL
2	Mr. NISHANT GARG
3	Mr. NITESH GUPTA
4	Ms. SWATI GUPTA
5	Mr. FAHAD UDDIN

2. These appointments are on purely provisional basis, and subject to the verification of their caste/PH category certificate, where ever applicable. If the verification reveals that the claim to belong to Scheduled Caste and Scheduled Tribe or Physically Handicapped category, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.

3. The above appointment shall be subject to the provisions of the Delhi Judicial Service Rules, 1970 as amended up to date and other orders/instructions as may be applicable to the officers of the Delhi Judicial Service from time to time.

4. The inter-se seniority of the above named candidates in the Delhi Judicial Service vis-à-vis other selected candidates will remain the same as assigned to them in the merit list prepared by the Selection Committee in accordance with the provisions of the Delhi Judicial Service Rules, 1970 as amended up to date.

5. The above appointment shall be subject to outcome of Writ Petition (Civil) No.514/2015 titled 'Centre for Public Interest Litigation Vs. Registrar General of the High Court of Delhi' and Writ Petition (Civil) No.712/2015 titled 'Sonal Gupta Vs. Registrar General of High Court of Delhi' pending before the Hon'ble Supreme Court of India and Writ Petition (Civil) No. 2828/2010 titled 'Surender Pal Singh Chauhan Vs. State & Anr.', pending before Delhi High Court.

6. The post carries the scale of pay of Rs.27700-770-33090-920-40450-1080-44770 plus usual allowances as may be applicable in this behalf from time to time.

By order and in the name of the
Lt. Governor of the National
Capital Territory of Delhi,

(O P Mishra)
Additional Secretary (Law, Justice & LA)

No. F.6/3/2014-Judl./Supplaw/611-617 Dated:- 12th July, 2016

Copy forwarded to the following for information and necessary action:-

1. The Secretary to the Govt. of India, Ministry of Law & Justice, (Department of Justice), Shastri Bhawan, New Delhi.
2. The Pr. Secretary to Lt. Governoer, Govt. of NCT of Delhi, New Delhi.
3. The Registrar General, High Court of Delhi, New Delhi.
4. The District & Sessions Judge (Headquarters), Tis Hazari, Delhi.
5. The Special Secretary (GAD), Govt. of Delhi in duplicate with Hindi version for publication in Delhi Gazette.
6. The Controller of Accounts, Govt. of N.C.T. of Delhi, Delhi.
7. Officers concerned through the Registrar General, Delhi High Court, New Delhi.
8. Guard file.

(O P Mishra)
Additional Secretary (Law, Justice & LA)

// True Copy //

...ce & LA)