

R.P.No. 692 of 2013
Madhya Pradesh Public Service Commission
vs
Shachi Jain

&

R.P.No. 693 of 2013
Madhya Pradesh Public Service Commission
vs
Somdutt Dixit

30/08/2013

Shri K.S. Wadhwa, Advocate for the petitioners – M.P. Public Service Commission.

Shri Mohd. Siddiqui, Advocate for the respondents.

This order shall decide Review Petition No.692 of 2013 and Review Petition No.693 of 2013, which are filed by the petitioners – M.P. Public Service Commission against the direction issued on 17/07/2013 in Writ Appeal No.636 of 2013 and Writ Appeal No. 631 of 2013. For the sake of convenience, the facts are taken from Review Petition No.692 of 2013.

2. Both these Review Petitions have been filed seeking review of the order dated 17/07/2013 passed in Writ Appeal No.636 of 2013 and Writ Appeal No. 631 of 2013, by which, this Court while deciding the aforesaid writ appeals directed thus:-

“In **Braj Kishor Prasad (supra)** a Full Bench of Patna High Court was considering the similar issue, but, considering the peculiar facts of the case the Full Bench of Patna High Court, held that in appropriate cases where extreme hardship or injustice has resulted on account of factors beyond the control of the concerned candidate, the High Court may grant relief in deserving cases. In the light of the aforesaid judgment, the question in the present case may be looked into. In this case, it is not in dispute that in the advertisement Annexure-P/2, there

was no declaration that the result of the examination would be declared on website or it would be published in newspaper Rojgar & Nirman. No publicity in the local newspaper or the newspapers having circulation in the State of Madhya Pradesh was given. As per the appellant he could not know the result of the examination and could not submit his documents to the respondents, though specific averments were already made in the application in respect of possessing eligibility qualification for the examination. The only contention of the appellant is that he may be permitted to submit his documents so that he may participate in the interview process. It is not the case where the appellant was not eligible on particular date, but, he was eligible and was successful for the main examination of State Services Examination-2010. The result was declared after more than 14 months from the date of the examination and appellant herein was not party to the writ petition which was filed at the Indore Bench because of which the result was stayed. As the appellant could not know the result which was published only on website and was published in only one newspaper Rojgar & Nirman and was not published in other newspapers, the appellant has made out a special case for hard-ship and if he is not permitted to furnish his documents of which particulars were already furnished by him, he will be deprived to participate in the interview process. In the aforesaid circumstances, we find that the appellant has made out a case for extreme hard-ship or injustice which has resulted on account of factors beyond the control of the appellant and he is entitled to be allowed one opportunity to furnish his documents to respondent No.1 so that after verification of the documents, if the appellant is found entitled to appear in

the interview process his candidature may be considered by the respondents. In view of the aforesaid, we allow both the appeals with the following directions:-

- (1) The appellants to furnish all their documents duly attested in the office of respondent No.1 within a period of two weeks from today.
- (2) On furnishing such documents, respondent No.1 will examine the documents and if the appellants are eligible for the interview, the respondents shall permit the appellants to participate in the interview process which is at present going on.”

3. The sole contention of the petitioner is that in the aforesaid order, this Court has observed thus: “No publicity in the local newspapers or the newspapers having circulation in the State of Madhya Pradesh was given”. The aforesaid observations of this Court are coming in the way of the petitioner for future purposes. It is submitted that the petitioner is publishing all the advertisements in the newspapers known as Rojgar & Nirman and also porting it at website and earlier procedure for publishing the aforesaid vacancies in the local newspapers has been go by, but because of the aforesaid order, the petitioner is compel to give such advertisement in local newspapers. It is causing serious hardship to the petitioner. It is submitted that the aforesaid observations may be treated only in respect of the aforesaid cases and shall not be treated as a precedent for future.

4. Learned counsel appearing for the respondent though opposed the aforesaid prayer, but considering the peculiar facts of the case that initially advertisements were published in the year 2010, the examinations were conducted between 18/12/2011 to 04/01/2012. Thereafter the matter had remain pending before the High Court Bench at Indore and all of sudden, the results were

declared and all the successful candidates were directed to submit their documents with the petitioner within a time bound programme. The results were declared on 27/04/2013 and the last date of submitting the documents was notified as 21/05/2013. The case of the respondent before this Court was that the aforesaid results could not come in the knowledge of the respondent and because of this, she could not submit her documents within time period as was fixed by the petitioner in the said declaration of results. This Court had considered this aspect in the aforesaid case and directed as quoted hereinabove.

5. From the perusal of the peculiar facts of the case, we find that the aforesaid directions were issued in peculiar circumstances of the cases and for future purposes, until and unless, it is necessary, the petitioner – Madhya Pradesh Public Service Commission is not under an obligation to publish all the results in local newspapers, except if such a procedure is already provided in the initial advertisement.

6. With the aforesaid clarification, both these Review Petitions are disposed of.

7. At this stage, Shri Wadhwa learned counsel for the petitioner submits that the petitioner may be permitted to declare the results of the respondents, as they have been permitted to participate in the interview. The prayer is not opposed, hence, it is allowed. The petitioner is permitted to declare the results of the respondents in accordance with law.

Certified copy as per rules.

(Krishn Kumar Lahoti)
Acting Chief Justice

(Subhash Kakade)
Judge