

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).310/2022

NISHA KUMARI & ORS.

Petitioner(s)

VERSUS

HARYANA PUBLIC SERVICE COMMISSION & ANR.

Respondent(s)

(FOR ADMISSION and IA No.65191/2022-EX-PARTE STAY
IA No. 65191/2022 - EX-PARTE STAY, IA No.66166/2022 - EXEMPTION
FROM FILING AFFIDAVIT, IA No.66163/2022 - INTERVENTION APPLICATION)

Date : 09-05-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Ms. Pratima Nain Lakra, AOR
Mr. Vikas Lakra, Adv.
Mr. Daksh Nain, Adv.

For Respondent(s) Dr. Monika Gusain, AOR

Mr. P.S. Patwalia, Sr. Adv.
Mr. Ashok Mathur, AOR

Mr. Namit Saxena, AOR

Mr. D.S. Chauhan, AOR
Ms. Ruchi Singh, Adv.
Mr. Prashant Kumar, Adv.

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

On 04.05.2022, this Court has passed the following order:-

"The matter relates to the Haryana Civil Services (Judicial Branch) examination for which adjourned dates for the main examination are 6th to 8th May, 2022. Initially on 04.03.2022, the main examination was scheduled for 15th to 17th April, 2022(tentative) which on 22.03.2022 was postponed and finalized for being conducted on 22nd to 24th April, 2022, because of there being a clash of dates with Delhi Judicial Services examination. The dates for main examination were then

postponed by notification dated 30.03.2022 (on the basis of the decision of the Selection Committee dated 25.03.2022) for 06.05.2022 to 08.05.2022. The examination of the Madhya Pradesh Judicial Services has already been scheduled for 06.05.2022, and hence, the petitioners, who have applied and are to appear in both the examinations, have approached this Court for rescheduling the dates for the Haryana Civil Services (Judicial Branch) Examinations scheduled for 06.05.2022 to 08.05.2022.

It is contended by learned counsel for the petitioners that the earlier postponement from 22nd to 24th April 2022 to 6th to 8th May, 2022 was also because the dates were clashed with the examinations for the Delhi Judicial Services and now again after postponement, the dates are clashing with the Madhya Pradesh Judicial Services Examinations and as such they have prayed that once, for the same reason, when the respondents had postponed the examinations, the same should be done now also. Learned counsel for the petitioners has placed before us a public notice with regard to the postponement of similar examinations by the respondents in the year 2015, which was also just a few days before the examinations were to be held. It is, thus, contended that the examinations scheduled for 6th to 8th May, 2022 may be postponed.

We have heard learned counsel for the parties. Mr. P.S. Patwalia, learned senior counsel appearing for the contesting respondents, i.e. High Court of Punjab & Haryana, has submitted that the Madhya Pradesh Judicial Services Examinations were announced for 06.05.2022 on 28.03.2022, whereas the decision of the Selection Committee to postpone the examinations for 6th to 8th May, 2022 was taken on 25.03.2022. Be that as it may, it is not disputed that the notification for the same was issued after 28.03.2022, which was on 30.03.2022.

During the course of hearing, Mr. P.S. Patwalia, learned senior counsel for the contesting respondent sought time to obtain instructions as to whether the said examinations could be postponed for 8th to 10th May, 2022 instead of 6th to 8th May, 2022 and on having received instructions it has been informed that adequate arrangements for the same cannot be made for such dates i.e. 8th to 10th May, 2022.

Mr. P.S. Patwalia as well as other senior counsel appearing for the contesting respondents have sought short adjournment to inform this Court as to when the said examinations could be now held, if the one scheduled for 06.05.2022 to 08.05.2022 are to be stayed or rescheduled by this Court.

In our view, the petitioners have made out a prima facie case for grant of stay. In the aforesaid circumstances, as an interim measure, it is directed that the examinations of the Haryana Civil Services (Judicial Branch) Examinations scheduled for 6th to 8th May, 2022 are stayed and shall be postponed.

On the request of the learned counsel for the respondents, list on 09.05.2022, by which date this Court would be informed of afresh schedule for examinations to be notified by the respondents or else assist this Court enabling it to fix the postponed dates."

In view of the aforesaid order, learned counsel for the High Court as well as the Haryana Public Service Commission have obtained instructions and have made a statement that they be permitted to hold the examination-in-question on 20th, 21st and 22nd of May, 2022.

Accordingly, we dispose of this writ petition with the direction that the examination of the Haryana Civil Services (Judicial Branch) main examinations be held on 20th, 21st and 22nd of May, 2022 instead of 6th, 7th and 8th of May, 2022.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PRADEEP KUMAR)
ASST. REGISTRAR