

ITEM NO.28 +62

COURT NO.9

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s).22746/2023

(Arising out of impugned final judgment and order dated 18-09-2023 in SAD No. 485/2023 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

LEGISLATIVE COUNCIL U.P. LUCKNOW & ORS.

Petitioner(s)

VERSUS

SUSHIL KUMAR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.202178/2023-WITHDRAWAL OF CASE / APPLICATION)

WITH

SLP(C) No. 22726/2023 (XI)
(FOR ADMISSION)

WITH

ITEM NO.62

SLP (C) No.22970-22971/2023

Date : 13-10-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sharan Dev Singh Thakur, Adv.
Ms. Ruchira Goel, AOR
Mr. Siddharth Thakur, Adv.
Ms. Aarushi Singh, Adv.
Ms. Indira Bhakar, Adv.
Mr. Sharanya Sinha, Adv.
Mr. Satwik Misra, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Adarsh Upadhyay, AOR
Mr. Aman Pathak, Adv.
Ms. Pallavi Kumari, Adv.

For Respondent(s) Mr. Apoorva Mishra, Adv.
Mr. Anmol Chandan, Adv.

Mr. Rishav Rai, Adv.
Mr. Ankit Roy, AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Mukul Rohatgi, learned Senior Counsel appearing for the petitioner. Also heard Mr. Maninder Singh, learned Senior Counsel appearing for the petitioners in the connected case.

2. These Special Leave Petitions are filed by the Legislative Council of Uttar Pradesh raising grievance to the two orders dated 18.09.2023 and 03.10.2023 of the Division Bench of the High Court whereunder the learned Judge has ordered the CBI to make a preliminary inquiry on the process of recruitment undertaken by the Uttar Pradesh Legislative Council.

3. The petitioners argue that the writ petitioners at whose instance the above direction was issued were unsuccessful in the selection process and therefore they cannot turn around and challenge the process of selection. Also following the 2019 amendment to the Uttar Pradesh Legislative Council, Secretariat Service (Recruitment and Conditions of Service) (Fourth Amendment) Rules, 2019, the Chairman is competent to authorize any external agency to conduct the whole selection process or part thereof. It is then pointed out such permissible mode was adopted for making the recruitment for Grade-III vacancies in the Legislative Assembly and the Legislative Council. Since

the High Court had also issued direction for converting the LPA into a PIL on *suo motu* basis this too is questioned by the petitioners.

4. The respondent Nos. 1, 2 and 3 have entered appearance by filing caveat and are represented by Mr. Anmol Chandan, learned counsel and he submits that this Court may also call for the CBI report.

5. Issue notice, returnable in four weeks. Formal notice is waived for respondents 1, 2 and 3.

6. The petitioners to ensure service of notice on the remaining respondents.

7. In the meantime, until the returnable date, the operation of the impugned orders dated 18.09.2023 and 03.10.2023 are stayed.

[DEEPAK JOSHI]
COURT MASTER

[KAMLESH RAWAT]
ASSISTANT REGISTRAR