

# Ashish Kumar Yadav vs The State Of Uttar Pradesh on 3 April, 2018

**Equivalent citations: AIR ONLINE 2018 SC 1130**

**Author: Kurian Joseph**

**Bench: Navin Sinha, Mohan M. Shantanagoudar, Kurian Joseph**

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3508 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NO. 8751 OF 2018]  
[DIARY NO(S). 27742 OF 2017]

ASHISH KUMAR YADAV & ORS.

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

WITH

CIVIL APPEAL NO. 3509 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NO. 8752 OF 2018]  
[DIARY NO(S). 27974 OF 2017]

J U D G M E N T

KURIAN, J.

1. Delay condoned. Leave granted.
2. The application(s) for impleadment is/are allowed.
3. These cases pertain to the selection to the post of Police Constables in the State of Uttar Pradesh. The appellants belong to the category of those candidates who are alleged to have used whitener/blade/eraser etc. Their case was also considered along with the similarly situated Sub-Inspector candidates by this Court in Hanuman Dutt Shukla & Ors. Vs. State of Uttar Pradesh & Ors. as per Judgment dated 19.01.2016 in Civil Appeal Nos.

Reason: 587-588 of 2016.

4. It is the contention of the appellants that the benefit of the Judgment of this Court was not extended in true spirit. The High Court permitted them to make representations. We are informed that the representations have been considered and rejected.

5. We are also informed that the orders rejecting the representations have been challenged before the High Court of Allahabad by some of the candidates and that those writ petitions are pending.

6. Heard Sh. Salman Khurshid and Mrs. Mahalaxmi Pavani, learned senior counsel appearing for the appellants and Mr. V. Shekhar, learned senior counsel assisted by Mrs. Aishwarya Bhati, learned Additional Advocate General for the State of Uttar Pradesh.

7. It is the contention of the appellants that this Court, having crystalized their rights in the decision in Hanuman Dutt Shukla (supra), and this Court having implemented the Judgment in letter and spirit in the case of Sub-Inspectors, the Police Constables are also entitled to a similar treatment. We do not think that we should go into that question at this stage since the very same contention is raised by the appellants before the High Court and the High Court is seized of the matter.

8. Accordingly, these appeals are disposed of as follows :-

i) We request the High Court to dispose of the writ petitions in the matter of selection to the post of Police Constables from the candidates who are alleged to have used whitener/blade/eraser etc. expeditiously and preferably within three months from the date of production of this Judgment.

ii) In the case of those similar candidates who have not yet pursued the remedy before the High Court, they are also free to do so, in which case, their cases will also be considered by the High Court along with the batch of cases which we have referred to above.

9. Pending interlocutory applications, if any, stand disposed of.

.....J. [ KURIAN JOSEPH ] .....J. [ MOHAN M. SHANTANAGOUDAR ]  
.....J. [ NAVIN SINHA ] New Delhi;

April 03, 2018.

ITEM NO.7

COURT NO.5

SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 27742/2017 (Arising out of impugned final

judgment and order dated 15-02-2017 in WP No. 6374/2017 passed by the High Court Of Judicature At Allahabad) ASHISH KUMAR YADAV & ORS. Petitioner(s) VERSUS THE STATE OF UTTAR PRADESH & ORS. Respondent(s) (FOR ADMISSION and I.R. and and IA No.88088/2017-EXEMPTION FROM FILING O.T. and IA No.119276/2017-impleading party and IA No.120007/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.120008/2017-EXEMPTION FROM FILING O.T. and IA No.120212/2017-impleading party and IA No.125848/2017-impleading party and IA No.4219/2018-impleading party) WITH Diary No(s). 27974/2017 (XI) (FOR CONDONATION OF DELAY IN FILING ON IA 89220/2017 FOR EXEMPTION FROM FILING O.T. ON IA 89222/2017 and IA No.131961/2017-impleading party and IA No.10238/2018-impleading party) Date : 03-04-2018 These matters were called on for hearing today. CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR HON'BLE MR. JUSTICE NAVIN SINHA Counsel for the parties Mr. Salman Khurshid, Sr. Adv.

Mrs. Mahalaxmi Pavani, Sr. Adv. Mr. Purushottam Sharma Tripathi, AOR Mr. Mukesh Kumar Singh, Adv.

Mr. Ravi Chandra Prakash, Adv. Mr. Tomy Chacko, Adv.

Mr. Rajiv Kumar, Adv.

Mr. Shantanu Jugtawat, Adv.

Ms. Vani Vyas, Adv.

Mr. Abhishek Tripathi, Adv.

Mr. Amit, Adv.

Mr. Lokendra Malik, Adv.

Ms. Kamana Singh, Adv.

Mr. V. Shekhar, Sr. Adv.

Mr. Prithviraj Singh, Adv.

Ms. Stuti Naina Karwal, Adv.

Mr. Rajiv Dubey, Adv.

Mr. Shashank Shekhar, Adv.

Mr. Abhishek Sharma, Adv.

Ms. Aishwarya Bhati, AAG, UP Mr. Ramjee Pandey, Adv.

Mr. Abhishek, Adv.

Mr. Susheel Tomar, Adv.

Mr. Balraj Dewan, AOR UPON hearing the counsel the Court made the following O R D E R Delay condoned. Leave granted. The civil appeals are disposed of in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of. (JAYANT KUMAR ARORA) (RENU DIWAN) COURT MASTER ASSISTANT REGISTRAR (Signed non-reportable Judgment is placed on the file)