
(1991) 11 MP CK 0003
In the Madhya Pradesh High Court
Case No : M.P. No. 4540 of 1989 (J.)

Navin Kumar Dani

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 29-11-1991

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 11

Citation : (1992) 1 MPJR 81

Hon'ble Judges : S.K. Seth, J; P.N.S. Chouhan, J

Bench : Division Bench

Advocate : M.M. Agrawal, for the Appellant; J.P. Sanghi, Advocate, M/s. P.C. Naik and S.L. Saxena, for the Respondent

Judgement

S.K. Seth, J.

This order shall govern the disposal of M. P. Nos. 2641/ 89, 4753/89, 729/91, 730/91, 731/91, 732/91, 733/91, 734/91 and 735/91.

After having been admitted for final hearing this petition, as also the connected petitions as mentioned above, were heard by us on 26-10-1991 on the question whether as a result of lapse of time and other reasons they could be allowed to remain pending any further.

Now, it is not in dispute that 150 posts of Civil Judge Class 11 had been advertised about three years back and a written examination in connection with the same was held by M. P. Public Service Commission on 19-2-1989. The said examination was challenged by one Ku. Talat Parveen and nine others before the Indore Bench of this Court in M. P. No 736/90. The grounds of challenge were many. In support of the said grounds, reliance was placed on the earlier decision dated 2-5-1990 of the Gwalior Bench of this Court in M. P. No. 7464/89 by which in view of certain irregularities having been discovered in the valuation of answer sheets of the Petitioners of the said case, the Public Service Commission had been directed to re-value the same.

The abovesaid M. P. No. 736/90 was disposed of by the Indore Bench, vide its order dated 9-7-1990. For our present purpose, it is not necessary to reproduce the entire order passed by the Division Bench. It is sufficient to reproduce the operative part contained in para 8 of the order. The said part is as follows:

In the result, this petition filed by the Petitioners is partially allowed. The M. P. Public Service Commission is directed to re-value the answer books of the Petitioners, the interveners, all of those candidates who were called for interview and all those candidates who have secured 125 marks or above, within a period of one month. The Public Service Commission shall be free to re-value the copies of such candidates also who have secured less than 125 marks provided the Service Commission authorities may feel convinced that in the case of that applicant result can vary to the extent of more than 20 marks. In those cases, the Commission shall also be free to formulate some policy wherein even a deposit, as is the case in the University. Examinations, may be taken from those candidates who have secured less than 125 marks. If as a result of the revaluation any candidates is found eligible, then the Public Service Commission shall call that candidate for interview and after the interview declare the result accordingly.

(Emphasis supplied)

In the present writ petitions, our attention is drawn by the learned Counsel for Respondent-M. P. Public Service Commission to the return filed on behalf of the Commission in one of the writ petitions i. e. M. P. No. 732/91. It has been explained on behalf of the Commission in the said return as to how in accordance with the abovesaid directions given by the Indore Bench in *Ku. Talat Parveens*" case the answer sheets of all such candidates who had secured 125 or more marks at the examination were duly re-valued. It has further been explained as to how the answer-sheets of all such candidates who had received less than 125 marks, but made specific requests for the purpose pursuant to a press-note released by the Commission for the purpose, were also duly re-valued. It has been pointed out as to how after the re-valuation of all the answer-sheets totalling 2605, fresh result of the examination was declared by the Commission on 8-8-1990 and two more candidates bearing Roll Nos. 1375 and 6437 having been found eligible for being called for interview were so called and the process of selection duly re-completed in accordance with the directions given by the Court.

Thus, we are given to understand that after the process of selection was completed, and was re-completed, in the manner pointed out above, all the 150 posts of Civil Judge Class II which had been advertised were duly filled up by the State Government by the issue of relevant appointment letters in favour of the selected candidates. In fact, we are also given to understand that almost all of the said 150 appointees, after completion of their training period, are at present serving as regular Civil Judges Class II at various subordinate Courts in the State. It is in the light of all the abovesaid facts and circumstances that a

question was posed by this Court in the present writ petition and the other connected writ petitions whether as a result of lapse of time and other reasons the said petition could be allowed to remain pending any further.

In the above connection, it may be mentioned that in the present petition and the connected writ petitions, the examination in question held by the M. P. Public Service Commission on 19-2-1989 has been challenged on various grounds. Some of the said grounds are the same as were subject matter of challenge before the Indore Bench of this Court in *Ku. Talat Parveen's* case (supra). Some of the other grounds relate to the alleged fact of about seven or eight questions, out of a total of 200, asked in the said examination being either defective or misleading.

Now, in the context of particular facts and circumstances of the case, it may be mentioned that there is a sound maxim of Roman jurisprudence to the effect "*interest reipublicae ut sit finis litium*"-it concerns the state that there be an end to law suits. In the said regard, it is settled law that the general principle of conclusiveness of judgments is much wider than the principle underlying the strict rule of *res judicata* contained in certain specific provisions of law like Section 11 C. P. C. Accordingly, where circumstances other than those provided for under the strict rule of *res judicata* exist: the general principle of conclusiveness may very well be invoked in a proper case without recourse to the specific provisions of law. See *Satyadhyan Ghosal and Others Vs. Sm. Deorajin Debi and Another*, Also see *S. PL. Narayanan Chettiar Vs. M. AR. Annamalai Chettiar*, and *Arjun Singh Vs. Mohindra Kumar and Others*,

In the context of the present writ petitions, it may be seen that the process of selection of 150 Civil Judges Class-I, after having been once completed, was once again re-completed in certain respects in accordance with the directions of a general nature given by the Indore Bench of this Court in *Ku. Talat Parveen's* case (supra). Again, it may be seen that pursuant to the selection already made, all the 150 posts of Civil Judges Class-I, which had been advertised, were duly filled up by the State Government by the issue of relevant appointment letters in favour of the selected candidates. In fact, almost of the said 150 appointees, after completion of their training period, are at present serving as regular Civil Judges Class-I at various subordinate Courts in the State. It may be that the grievance made by the Petitioners in the present petitions regarding the alleged fact of about seven or eight questions asked in the examination held on 19-2-1989 being either defective or misleading was legitimate and justified. But, then, it was also to be kept in mind that the total number of questions asked in the examination was 200 and that all the candidates who had appeared in the said examination had to face a similar problem. In our opinion, in the circumstances of the case, once the alleged irregularities in the examination held by the Commission on 19-2-1989 were already ordered to be cured by directions of a general nature given by the Indore Bench of this Court in *Ku. Talat Parveen's* case and the process of selection was re-completed in accordance with

the said directions, it was not only in public interest, but also in the interest of administration of justice that the matter as regards the said selection is treated as having attained finality and was not allowed to hang fire any longer. Thus, in our opinion, in the present writ petitions, there do exist such circumstances on the basis of which the bar arising out of the general principle of conclusiveness of judgments (i. e. interest reipublicae ut sit finis litium) as pointed out above, may be held as applicable to the reliefs sought by the Petitioners.

For the reasons stated above, the present writ petition, as also the connected writ petitions, are dismissed on the ground that they can no longer be allowed to continue due to lapse of time and due to reliefs sought therein having become barred by general principle of conclusiveness of judgments (i. e. interest reipublicae ut sit finis litium.)

In the circumstances of the case, there shall be no order as to costs. The security amount, if any, deposited by the Petitioner shall be refunded to them.