

STATEMENT OF FACTS

Purvanchal is a State in the Union of India which is educationally and economically forward. This State, consisting of 25 districts is characterized by its capital Rajnagar having several professional institutions in the field of medicine and engineering which attracts students' community from the rest of India due to its quality education. The southern-most district of this State known as Dakshinpur is a neglected area, as a result of which its cultural tradition has been conserved but it has remained economically and educationally backward.

The State established the Purvanchal State Public Service Commission (PSPSC), which comprises of a Chairman, who is a senior IAS officer and nine members who are highly qualified and experienced in matters of administration in different capacities, of which compulsorily, one is a woman member and the other is from the SC/ST community.

In the year 2012, Purvanchal Peoples' Party (PPP) was ruling, in which Mr. Rama Prasad Rao, a retired IAS Officer, was the Chief Minister. The Government informed the PSPSC that there are 500 vacancies in the Purvanchal Administrative Service (PAS) Cadre and directed it to recommend the names of candidates to be appointed in this cadre. PSPSC advertised for filling of these 500 vacancies with essential qualification as graduates, in any discipline below the age of 35 and desirable qualification as knowledge of Purvi, which is the local language. In response to this advertisement, there were 18,000 applications, out of which 9,000 qualified in the written examinations.

Mr. Prashant Raj, who hails from Dakshinpur, is a first generation learner with primary education in the Purvi language. He obtained a scholarship, secured admission in a reputed Law School of the State, where he was known for his oratory skills which won him several debating awards. He completed LL.B. with distinction, besides being declared Student of the year. He was one of the candidates who appeared for the written examinations and was declared as successful at the Preliminary and Main examinations, by achieving 3rd rank. However at the personal interview he was awarded with one of the lowest scores and thereby his name was not included in the list recommended for appointment. The State Government offered appointments to the 500 selected candidates in the PAS Cadre in pursuance of the recommendations of the PSPSC and the said candidates were accordingly appointed w.e.f. 01/01/2013 on a probation period of 2 years.

In early February, 2013, Mr. Raj came out in the public that he was contacted by a member of the PSPSC with a demand to pay a sum of Rs. 40 Lakhs in order to find his name in the list of selected candidates of PAS cadre. However Mr. Raj declined to make such a payment, since he was brought up with high moral values and was dead against corruption. Several newspaper reports appeared on this issue. In fact the most widely circulated newspaper, *The Purvanchal Times* also highlighted the extent of red-tapism in the PSPSC with publication of excerpts of interviews conducted with some Right to Information (RTI)

activists and a few whistle-blowers within the PSPSC. Mr. Raj also complained to the Lokayukta, which is empowered under the Purvanchal Lokayukta Act, 1993 to investigate into such complaints of corruption. The Lokayukta carried out thorough investigations and submitted its findings to the State Government in the month of April 2013, in accordance with this Act.

"The State of Purvanchal went to polls and due to public opinion in print and electronic media weighing heavily against the PPP in view of large scale corruption, PPP lost to the main opposition party, Purvanchal Bachao Party (PBP) which formed the new Government in the State, and Dr. Chintaman Prakash, a renowned educationist-turned-politician was sworn in as the Chief Minister on 1st June 2014. The PBP had in its manifesto mainly focused on zero corruption in the State and upliftment of backward areas and accordingly the Government took serious initiatives in fulfilling its election promises. The PAS Cadre employment issue being a major controversy in the State, the Cabinet headed by Dr. Chintaman Prakash, abruptly took a decision, declaring that appointments of all 500 candidates will be terminated with a notice period of one month as the Lokayukta had arrived at findings that *prima facie* there were clear irregularities and corruption involved in their appointments. The State Government consequently terminated the services of all the 500 officers in the PAS Cadre w.e.f. 1st August 2014 as per the Notification issued by the State Government.

The terminated officials formed an association called Employment Rights and Justice Forum (ERJF) demanding their reinstatement. The State was rocked by hunger strikes, morchas and wide spread discussions in TV channels took place on this issue. Many officials contended that they were sole bread winners, some that they belonged to marginalized economic categories and few were upset as they were crossing maximum age limits for employment. ERJF also approached the Governor of the State, along with the leader of the opposition, Mr. Rama Prasad Rao from the PPP and apprised him of the Constitutional crisis concerning their dismissal without being informed of the charges against them and without being given a reasonable opportunity of being heard.

The State Government remained firm in its decision and directed the PSPSC to recommend names of candidates for filling up of 500 vacancies in the PAS cadre afresh and to relax the age by two years in cases of officers from amongst the 500 that were terminated.

Aggrieved by the Notification of the State Government and due to the irregularities in the dismissal of the officials of the PAS cadre, the ERJF filed a writ petition before the High Court of Purvanchal in August 2014.

The Hon'ble High Court posted the matter for final arguments.
