

FITEM NO.111

COURT NO.7

SECTION XVI

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

CIVIL APPEAL NO(s). 6417 OF 2003

JAMUNA SINGH

Appellant (s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

Date: 01/12/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Ms. Mrinalini Oinam, Adv.  
Mr. Bharat Sangal, Adv.  
Ms. Vernika Tomar, Adv.

For Respondent(s) Mr. Gopal Singh, Adv.

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

The Appeal is allowed in terms of the signed order.  
No costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master

Signed Order is placed on the File  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6417 OF 2003

Jamuna Singh

..Appellant

versus

State of Bihar & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

This appeal has been filed against the impugned judgment of the Division Bench of the High Court of Judicature at Patna dated 18th September, 2002.

The appellant filed a writ petition in the High Court of Patna claiming senior selection grade and super

time scale.

The learned Single Judge of the High Court by his order dated 26th August, 2002 dismissed the writ petition and the said order has been upheld by the Division Bench of the High Court by the impugned order.

The High Court has held that the appellant could not be granted relief because, though acquitted in a criminal case, departmental proceedings were pending against him.

It seems that the High Court did not notice the fact that the departmental proceedings had already been quashed by the High Court by its judgment dated 10th December, 1998 passed in C.W.J.C. No.11323 of 1997. Hence, in our opinion, the matter needs to be reconsidered by the High Court.

-2-

Accordingly, this appeal is allowed, the impugned order of the Division Bench of the High Court as well as the impugned order of the learned Single Judge are set aside and the matter is remanded to the learned Single Judge to decide it afresh in accordance with law assuming that there are no departmental proceedings pending against the appellant, as expeditiously as possible, preferably within a period of four months from the date of receipt/production of a copy of this order. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
DECEMBER 01, 2009.

.....J.  
[R.M. LODHA]