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SLP(C)No. 17629 OF 1999
ITEM No.202

Court No. 1

SECTION XI
A/N MATTER

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 (Civil) No.17629/1999

(From the judgement and order dated 21/09/1998 in CMWP 29618/98
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

HARISH KUMAR YADAV

Petitioner (s)

VERSUS

REGISTRAR, H.C. OF JUDICATURE AT ALLAHABAD

Respondent (s)

(For Final Disposal) (With Office Report)

Date : 19/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. S.C. Maheshwari, Sr. Adv.
Mr. R.C. Verma, Adv.
Mr. MPS Tomar, Adv.
R.K. Gupta, Adv.
Mr. K.K. Gupta, Adv.

For Respondent (s) Mr. Ashok K. Srivastava, Adv.

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

.....L.....I.....J
.SP2

The appeal is disposed of in terms of the signed
order. No costs.

.SP1
.....L.....T.....J

(Ajay Kr. Jain) (Prem Prakash)
Court Master Court Master

(Signed order is placed on the file)

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.....L.....I.....T.....T.....T.....T.....T.....T.....J.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7317 OF 2001@@
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(Arising out of SLP(C) No. 17629 of 1999)

Harish Kumar Yadav

... Appellant

versus

Registrar, H.C. of Judicature
at Allahabad

... Respondent

O R D E R@@
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.SP2

Leave granted.

Heard learned counsel for the parties.

At the stage of issuance of notice, this Court had indicated that this appeal will be disposed of at the SLP stage itself.

We notice from the judgment of the High Court that the writ petition had raised 7 grounds but the High Court proceeded to dispose of the writ petition without considering the merits involved in those grounds and without assigning any reason of its own except to say that all the 7 grounds were considered by the Administrative Committee of the High Court and it is thereafter that the said Committee had upheld the adverse remarks against the petitioner. In our opinion, this reasoning of the High Court is fallacious, hence, unsustainable because what was challenged in the writ petition is the findings of the Committee of the High Court in the Administrative Side which the writ petitioner was entitled to do. He has assailed the said findings of the Administrative Committee on certain grounds raised in the writ petition, hence, it was just and necessary for the High Court to have addressed itself to these grounds and to have decided the same by a reasoned order. That having not been done, this appeal is liable to be allowed, the impugned order is set aside and the matter stands remitted to the High Court for disposal in accordance with law.

.SP1

.....J.
(N. SANTOSH HEGDE)

.....J.
(ARIJIT PASAYAT)

New Delhi,
October 19, 2001.