

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1807-1808 OF 2018
(@ SPECIAL LEAVE PETITION (CIVIL) NOS. 25365-25366 OF 2014)

STATE OF BHIAR & ANR.

...APPELLANT(S)

VERSUS

KRISHNA GOPAL PRASAD & ORS.

...RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The matter arose out of non-approval of the panel prepared in the year 1990 for appointment to the post of Assistant Teachers in Nationalized Secondary Schools as well as in the Project Schools. After declining the approval to the panel, the State issued a fresh advertisement and thus selected other candidates who have been appointed.

This Court vide order dated 28.02.2012 in SLP(C)Nos. 6369-6376 of 2005 declined to interfere in the peculiar facts and circumstances of the case with appointments made for other subjects. In view of order of this Court, the High Court has directed that the State should act in accordance with the direction of this Court.

The grievance of the State of Bihar is that order of this Court was passed in the peculiar facts and circumstances of the case and this Court did not interfere with the appointment made in pursuance of selection as per advertisement in the year 1995. This Court's order could not mean that new Reservation Policy must be applied in making appointment to the posts of Physical Trained Teachers. The persons already recruited are not party before the Court. Though New Reservation Policy has been applied for certain subjects, the question is whether the New Reservation Policy should be applied and selection to the post of Physical Trained Teachers should be disturbed held to be determined independently according to law.

Since this Court had not issued any specific direction and only dealt with the peculiar facts and circumstances of particular case, direction by the High Court to follow that the said order as precedent without going into the merits of the case can not be sustained.

Accordingly, we set aside the impugned order and remand the matter to the High Court for fresh decision on merits in accordance with law.

The appeals are accordingly allowed in above terms.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
9th FEBRUARY, 2018

.....J.
[UDAY UMESH LALIT]

ITEM NO.2

COURT NO.11

SECTION XVI

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(C) No(s). 25365-25366/2014

(Arising out of impugned final judgment and order dated 15-04-2013 in LPA No. 722/2001 CWJC No. 4675/2001 CWJC No. 14403/2001 passed by the High Court Of Judicature At Patna)

STATE OF BHIAR & ANR.

Petitioner(s)

VERSUS

KRISHNA GOPAL PRASAD & ORS.

Respondent(s)

Date : 09-02-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Shivam Singh,Adv.
Mr. E. C. Vidya Sagar, AOR
Mr. Manish Kumar,Adv.
Mr. Anhad S.Miglani,Adv.

For Respondent(s) Mr. Mahabir Singh,Sr.Adv.
Mr. Aditya Singh,Adv.
Mr. Rajiv Dalal,Adv.
Mr. Gagadeep Sharma,Adv.

Mr. Manish Kumar Saran,Adv.

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

Leave granted.

The appeals are allowed in terms of the
signed order.

Pending application(s), if any, shall also
stand disposed of.

(MADHU BALA)

COURT MASTER (SH)

(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)

BRANCH OFFICER