

ITEM NO.4

COURT NO.9

SECTION IVA

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

RECORD OF PROCEEDINGS

Petition(s) for special leave to appeal (Civil) No.3971/2004

(From the judgment and order dated 20.10.2003 in WP No.730/2003 of the High Court of M.P. at Gwalior)

BRIJ MOHAN JHA

Petitioner(s)

VERSUS

PRASHANT MEHTA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and permission to file rejoinder affidavit and with prayer for interim relief and office report)

(For final disposal)

Date: 29/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. A.K. Chitale, Sr. Adv.

Mr. Niraj Sharma, Adv.

For Respondent(s)

Mr. B.S. Banthia, Adv.

Mr. Vikas Upadhyay, Adv.

Mr. Siddharth Gupta, Adv.

Mr. Ashiesh Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

We do not find any ground to interfere in this special leave

petition. The Petitioner challenged the selection of Junior Data Entry

2

Operator and the Tribunal passed the order on 22.7.1999 and the

direction was given by the Tribunal for convening a meeting and

consider the suitability of the candidates on merits. Since this order was

not complied with therefore the Petitioner filed a contempt petition as

well as a review application. The review application was disposed of by

the Tribunal on 17.12.2002 and found that there was no contempt as no

junior person to the Petitioner was appointed, therefore the review

application was dismissed. This order was challenged by way of Writ

Petition before the High Court and High Court also dismissed the same.

The learned counsel for the Petitioner submitted that he had given names

of the persons who were appointed on the post of Junior Data Entry

Operator who were junior to him but the Tribunal and the High court

did not consider that aspect. So far as the present case is concerned,

there is a categorical finding by the Tribunal that no person junior to the

Petitioner was appointed as Junior data Entry Operator. We do not see

any reason to interfere with the concurrent findings of fact recorded in

the matter. If the Petitioner still feels that there is a case that persons

junior to him were appointed as Junior Data Entry Operator, he can

approach the appropriate forum. We do not find any ground to interfere

in this special leave petition. The special leave petition is, accordingly,

dismissed. No order as to costs.

(K.K. Chawla)

Court Master

(Radha R. Bhatia)

Court Master