

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION DIARY NO.3965 OF 2026
IN
CIVIL APPEAL NO.5686 OF 2023

B L RUIA (MULTIPURPOSE) HIGH SCHOOL & APPLICANTS
ANR.

VERSUS

RAM KRISHNA RAM RESPONDENT

O R D E R

1. This application filed seeking direction to the State of Maharashtra to calculate the back wages and other benefits accrued to Respondent No.1 (Ram Krishna Ram) in accordance to the order dated 05.09.2023 passed by this Court in Civil Appeal No.5686 of 2023.

2. A perusal of the said order would clearly indicate that there is no ambiguity and it is as clear as crystal. In fact, this Court in Supertech Limited v. Emerald Court Owner Resident Welfare Association and Others (MA No.1572/2021 in Civil Appeal No. 5041/2021), while considering the

entertainability of the Miscellaneous Application filed for the modification of the judgment has opined as under:

"11 The attempt in the present miscellaneous application is clearly to seek a substantive modification of the judgment of this Court. Such an attempt is not permissible in a miscellaneous application. While Mr Mukul Rohatgi, learned senior counsel has relied upon the provisions of Order LV Rule 6 of the Supreme Court Rules 2013, what is contemplated therein is a saving of the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent an abuse of the process of the Court. Order LV Rule 6 cannot be inverted to bypass the provisions for review in Order XLVII in the Supreme Court Rules 2013. The Miscellaneous application is an abuse of the process.

12 The hallmark of a judicial pronouncement is its stability and finality. Judicial verdicts are not like sand dunes which are subject to the vagaries of wind and weather. A disturbing trend has emerged in this court of repeated applications, styled as Miscellaneous Applications, being filed after a final judgment has been pronounced. Such a practice has no legal foundation and must be firmly discouraged. It reduces litigation to a gambit. Miscellaneous Applications are becoming a preferred course to those with resources to pursue strategies to avoid compliance with judicial decisions. A judicial pronouncement cannot be subject to modification once the judgment has been pronounced, by filing a miscellaneous application. Filing of a miscellaneous

application seeking modification/clarification of a judgment is not envisaged in law. Further, it is a settled legal principle that one cannot do indirectly what one cannot do directly [*Quando aliquid prohibetur ex directo, prohibetur et per obliquum*"].

13 Further, there is another legal principle which is applicable in the present case. It is that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all and that other methods of performance are necessarily forbidden. Hence, when a statute requires a particular thing to be done in a particular manner, it must be done in that manner or not at all and other methods of performance are necessarily forbidden. This Court too, has adopted this maxim. This rule provides that an expressly laid down mode of doing something necessarily implies a prohibition on doing it in any other way."

3. The order of this court dated 05.09.2023 has attained finality. The present application is a clear attempt to stave off the contempt proceedings and, if entertained, it would amount to granting a premium to an indolent litigant like the applicant.

4. Hence, this application deserves to be dismissed and it is dismissed with an exemplary cost of Rs.25,000/- (Rupees Twenty Five Thousand only) payable to the TATA Memorial Hospital,

Mumbai. The receipt of the same shall be filed within four weeks from today. If receipt is not filed, the Registry to put up this matter before this Court for further orders.

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

.....J.
(ARAVIND KUMAR)

.....J.
(PRASANNA B. VARALE)

New Delhi;
March 18, 2026.

REVISED

ITEM NO.12

COURT NO.16

SECTION III

**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**

CONTEMPT PETITION (CIVIL) Diary No(s). 1852/2026

[Arising out of impugned final judgment and order dated 05-09-2023 in C.A. No. No. 5686/2023 passed by the Supreme Court of India]

RAM KRISHNA RAM

Petitioner(s)

VERSUS

SHRI RAJESH P. RUIA, SECRETARY & ORS.

Respondent(s)

**IA No. 33385/2026 - CONDONATION OF DELAY IN FILING
IA No. 37902/2026 - DISCHARGE OF ADVOCATE ON RECORD
IA No. 11681/2026 - EXEMPTION FROM FILING O.T.**

WITH

Diary No(s). 3965/2026 (III)

IA No. 22640/2026 - CLARIFICATION/DIRECTION

Date : 18-03-2026 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE**

**For Petitioner(s) :Mr. Syed Ahmed Saud, Adv.
Mr. Mohd. Parvez Dabas, Adv.
Mr. Daanish Ahmed Syed, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Aqib Baig, Adv.
Mr. Mohd Shahib, Adv.
Mr. Seemab Qayyum, Adv.**

M/s Shakil Ahmad Syed, AOR

Mr. Kanishk Arora, Adv.
Mr. Shivam Tyagi, Adv.
Mr. Pradeep Arora, Adv.
Mr. Pulkit Prakash, AOR

For Respondent(s) :

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

CONTEMPT PETITION (CIVIL) Diary No(s). 1852/2026

1. Delay condoned.
2. Issue notice, returnable on 04.05.2026.
3. Personal appearance of the alleged contemnors is dispensed with for the present.

M.A. Diary No(s). 3965/2026 in civil Appeal No.5686/2023

1. Miscellaneous application is dismissed in terms of the Signed Order placed on the file.
2. Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

ITEM NO.12

COURT NO.16

SECTION III

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

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