

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

Petition for Special Leave to Appeal (Civil) No(s).6369-6376/2005

(From the judgement and order dated 16/12/2004 in LPA No.439,445, 446, 447, 1347, 1360 & 1435 of 2001 of the HIGH COURT OF PATNA)

STATE OF BIHAR & ORS.

Petitioner(s)

VERSUS

THE CHAIRMAN, VIDYALAYA SEWA BOARD &ORS.

Respondent(s)

(With appln(s) for substitution of respondent, impleadment/intervention, impleadment, exemption from filing O.T., stay, directions, vacating stay, permission to file additional documents, intervention and office report)  
(FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 2322 of 2005

(With appln(s). for intervention, exemption from filing O.T. and with prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

SLP(C) NO. 17485 of 2003

(With appln(s). for exemption from filing O.T. and with prayer for interim relief and office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 19245 of 2003

(With appln(s). for c/delay in filing SLP, exemption from filing O.T. and with prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

Date:28/08/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Kailash Vasudev,Sr.Adv.  
Mr. Gopal Singh,Adv.  
Mr. Manish Kumar,Adv.  
Mr. Chandan Kumar,Adv.

Mr. Rajiv Ranjan Dwivedi,  
Mr. Ranjan Dwivedi,Adv.

Dr. Maya Rao,Adv. (N.P.)

Mr. C.D. Singh,Adv.

For Respondent(s) Mr. Ajit Kumar Sinha,Sr.Adv.  
Mr. L. Nageshwar Rao,Sr.Adv.  
Mr. Ambhoj Kumar Sinha,Adv.  
Mr. Ashwarya Sinha,Adv.  
Mr. Abhishek Prasad,Adv.

Mr. Akhilesh Kr. Pandey,Adv.

Mrs. Shalini Chandra,Adv.  
Mrs. Swati Chandra,Adv.  
Mr. Sudhanshu Saran,Adv.

Mr. Devendra Singh,Adv.  
Mr. Atul Kumar Sinha,Adv.

Mr. Manu Shanker Mishra,Adv.  
Mr. Tathagat H. Vardhan,Adv.

Ms. Indu Malhotra,Sr.Adv.  
Mrs. Mahalakshmi Pavani,Adv.  
Mr. G. Balaji,Adv.  
Mr. Kush Chaturvedi,Adv.  
For M/S. Mahalakshmi Balaji & Co.,Advs.

Mr. Neeraj Shekhar,Adv.

Mr. M.P. Jha,Adv.  
Mr. Ram Ekbal Roy,Adv.  
Mr. Harshvardhan Jha,Adv.  
Mr. Deepak Agnihotri,Adv.

Mr. Ranjeet Kumar,Adv.  
Ms. B. Sunita Rao,Adv.

Mr. Sunil Kumar Verma,Adv.  
Mr. Amit Kishore Sinha,Adv.

Mr. Bijan Kumar Ghosh,Adv.

Mr. Navin Prakash,Adv.

Mr. Ravi C. Prakash,Adv.  
Mr. Kiran Kumar Jaipurian,Adv.

Mr. Ravi C. Prakash,Adv.  
Mr. Purushottam,Adv.  
Ms. Filza Moonis,Adv.

Mr. Ravi C. Prakash,Adv.  
Mr. Amit Pawan,Adv.

Mr. Amit Kumar,Adv.

Respondent-In-Person.

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

I.A. Nos.9-16 application for substituting the name of Respondent No.1 is allowed.

All the applications for intervention/impleadment are dismissed.

S.L.P.(C) Nos.6369-6376/2005:

We have heard the learned counsel for the parties at length and also perused the records.

These special leave petitions are directed against the final common judgment dated 16.12.2004 passed by the High Court of Judicature at Patna in LPA Nos.439, 445, 446, 447, 1347, 1354, 1360

and 1435 of 2001 whereby the High Court dismissed the aforesaid LPAs.

On 9.3.1988, the Director, Secondary Education, Government of Bihar sent a requisition to the Vidyalaya Sewa Board for sending panels of teachers in Biology, Mathematics and other subjects. An advertisement being 1/88 was published on 30.7.1988 for appointment of Assistant Teachers in the Nationalized Secondary Schools as well as in the Project Schools. The Vidyalaya Sewa Board prepared a panel in 1990 for appointment in Biology subject. On 20.2.1991, the State Government did not approve the panel and cancelled it and demanded a fresh panel. In the meantime, the new reservation policy of the State Government came into force. The Board in continuation of the earlier advertisement No.1/88, issued a fresh advertisement on 29.4.1995. The respondents who were duly selected pursuant to the said advertisement issued in 1995, have still not been appointed. In the meantime, the entire process of selection for appointment of teachers in the State of Bihar has undergone a change. Be that as it may, in the peculiar facts and circumstances of these cases, we are not inclined to interfere with the impugned judgment passed by the High Court. The special leave petitions are accordingly dismissed.

S.L.P.(C) No.2322/2005:

In view of the order passed by us today in SLP(C) Nos.6369-6376/2005 above, this special leave petition is also dismissed.

S.L.P.(C) No.17485/2003:

In this matter, neither the counsel for the petitioner nor the counsel for the State is present. Furthermore, we may notice that the stand taken by the Staff Selection Commission is that the petitioner was, in fact, not selected and the writ petition filed by him has been rightly dismissed by the High Court. In view of the order passed by us today in SLP(C) Nos.6369-6376/2005 above, we see no reason to interfere with the impugned order passed by the High Court. The special leave petition is dismissed.

S.L.P.(C) No.19245/2003:

In view of the order passed in SLP(C) Nos.6369-6376/2005 above, learned counsel for the petitioners makes a prayer for withdrawal of this petition in order to pursue the writ appeal which is pending in the High Court. Prayer is allowed. The special leave petition is dismissed as withdrawn.

(A.S. BISHT)  
COURT MASTER

(INDU BALA KAPUR)  
COURT MASTER