

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4466 OF 2003

STATE OF BIHAR & ORS.

Appellant (s)

VERSUS

JANARDAN RAI & ANR.

Respondent(s)

(With office report )

Date: 19/04/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s) Mr. Gopal Singh, Adv.

Mr. Nishakant Pandey, Adv.

For Respondent(s) Mr. Arun Kumar, Adv.

Mr. Pratap Sharma, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mrs. Asha G. Nair, Adv.

Mrs Anil Katiyar, Adv.

Mr. M.L. Verma, Sr. Adv.

Mr. Tapes K. Singh, Adv.

Mr. Dinesh C. Pandey, Adv.

Mr. Sanjay Jain, Adv.

Mr. Ranjit Kumar, Sr. Adv.

Mr. Arun Kumar, Adv.

Mr. Nagesh Kumar, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

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UPON hearing counsel the Court made the following

O R D E R

as to Civil Appeal is dismissed in terms of the signed order. No order costs. Stay of the contempt proceedings is vacated forthwith.

ia) (K.K. Chawla) (Radha R. Bhat  
ter Court Master Court Mas

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4466 OF 2003

STATE OF BIHAR & ORS.

.. APPELLANTS

VERSUS

JANARDAN RAI & ANR.

.. RESPONDENTS

O R D E R

Heard learned counsel on both sides.

That a Government Resolution passed in 1977 has not yet been implemented and continues to be the subject matter of a spate of litigation, despite 14 orders of different Courts, is something that shocks the conscience of this Court.

The Order of the High Court in Letters Patent Appeal, which has as resulted in the present Appeal is a short (one paragraph) order, but the background appears to be voluminous. Learned counsel on both sides have taken us through the various documents on record. After patiently plodding through the record and the various orders, the only point that needs to be considered is, whether the Resolution No.3521 F2 dated 11th April, 1977 of the State Government has been implemented in respect of the Members of the Bihar Subordinate Education Service comprising Male and Female teachers. According to the Respondents, its implementation would mean merger of the cadre of teachers belonging to the Bihar Subordinate Education Service with the Bihar Education Service Class 2; the stand of the State Government is that this Resolution, which accepts and implements the report of the Saran Singh Committee (Paragraph 11.10), has nothing to do with the Members of the Bihar Subordinate Education Service Cadre.

Writ Petitions were filed before the High Court of Patna and they were

allowed in favour of the teachers holding that such merger is contemplated in the concerned Government Resolution. A contempt petition was also taken out alleging non-implementation of the High Court's order, which had directed the State specifically to implement the concerned Resolution dated 11th April, 1977. That contempt petition is still pending before the High Court and has been stayed in the present appeal.

At the end of the day, we are satisfied that whether the implementation has been done in the manner required by the Resolution or not is for the High Court to decide since the High Court is in seisin of the contempt petition. Hence, we feel that it is not necessary for us to interfere in the matter, particularly since our attention has been drawn to the statements made on the floor of the legislative assembly that the Government itself is thinking of implementing the Resolution in the manner that is being suggested by the Respondents. In any event, since the contempt petition is pending, the High Court will examine the matter and, if satisfied that the Resolution has not been implemented, deal with the contemnors according to law. In this view of the matter, we do not think that it is necessary for us to interfere at all.

Civil Appeal is dismissed. No order as to costs. Stay of the contempt

proceedings is vacated forthwith.

.....J.

(B.N. Srikrishna)

.....J.

(Lokeshwar Singh Pant)

New Delhi;

April 19, 2006.