

ITEM NO.5

COURT NO.4

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). 11885/2012

(From the judgment and order dated 12.07.2011 passed in LPA.No.261 of 2008 of the Patna High Court)

THE STATE OF BIHAR & ORS.

Petitioner(s)

VERSUS

DEVENDRA SHARMA

Respondent(s)

WITH

SLP (C) No. 2930/2015 (XVI)
 SLP (C) No. 2914/2015 (XVI)
 SLP (C) No. 3306/2015 (XVI)
 SLP (C) No. 3352/2015 (XVI)
 SLP (C) No. 2755/2015 (XVI)
 SLP (C) No. 5983/2015 (XVI)
 SLP (C) No. 7571/2015 (XVI)
 SLP (C) No. 7574/2015 (XVI)
 SLP (C) No. 7569/2015 (XVI)
 SLP (C) No. 7577/2015 (XVI)
 SLP (C) No. 7564/2015 (XVI)
 SLP (C) No. 7562/2015 (XVI)
 SLP (C) No. 7560/2015 (XVI)
 SLP (C) No. 7568/2015 (XVI)
 SLP (C) No. 2191/2014 (XVI)
 SLP (C) No. 2042/2014 (XVI)
 SLP (C) No. 20582/2015 (XVI)
 SLP (C) No. 5964/2015 (XVI)
 SLP (C) No. 8229/2015 (XVI)
 SLP (C) No. 18198/2015 (XVI)
 SLP (C) No. 10397/2015 (XVI)
 SLP (C) No. 11886/2012 (XVI)
 SLP (C) No. 6837/2016 (XVI)
 SLP (C) No. 24742/2012 (XVI)
 SLP (C) No. 24749/2012 (XVI)

(and IA No.76851/2017-I A FOR BRINING ON RECRDS FACTS AND DEVEP.)

SLP (C) No. 11366/2015 (XVI)
 SLP (C) No. 24744/2012 (XVI)
 SLP (C) No. 11887/2012 (XVI)
 SLP (C) No. 24743/2012 (XVI)
 SLP (C) No. 24745/2012 (XVI)
 SLP (C) No. 24753/2012 (XVI)
 SLP (C) No. 14694/2015 (XVI)
 SLP (C) No. 24518/2015 (XVI)
 SLP (C) No. 20033/2012 (XVI)

(and IA No.57184/2017-XTRA and IA No.68960/2017-impleading party

and IA No.95965/2017-impleading party and IA
No.116429/2017-impleading party and IA No.141582/2017-impleading
party)

SLP(C) No. 20036/2012 (XVI)
SLP(C) No. 20038/2012 (XVI)
SLP(C) No. 18197/2015 (XVI)
SLP(C) No. 22300/2014 (XVI)
SLP(C) No. 24748/2012 (XVI)
SLP(C) No. 23837/2014 (XVI)
SLP(C) No. 25895/2015 (XVI)
SLP(C) No. 36406/2016 (XVI)
SLP(C) No. 28306/2014 (XVI)
(IA No.81500/2017-VACATING STAY In Connected Case SLP(C)
No.003431-003431/2017 and IA No.77712/2017-CONDONATION OF DELAY IN
FILING SUBSTITUTION APPLN. In Connected Case SLP(C)
No.035375-035375/2014 and IA No.77710/2017-APPLICATION FOR
SUBSTITUTION In Connected Case SLP(C) No.035375-035375/2014 and and
IA No.69266/2017-impleading party and IA No.69268/2017-EXEMPTION
FROM FILING O.T. and IA No.69279/2017-impleading party and IA
No.69280/2017-EXEMPTION FROM FILING O.T. and IA
No.69287/2017-impleading party and IA No.69288/2017-EXEMPTION FROM
FILING O.T. and IA No.77045/2017-impleading party and IA
No.77049/2017-EXEMPTION FROM FILING O.T. and IA
No.78335/2017-impleading party and IA No.78337/2017-EXEMPTION FROM
FILING O.T. and IA No.78345/2017-impleading party and IA
No.78349/2017-EXEMPTION FROM FILING O.T. and IA
No.79251/2017-impleading party and IA No.79253/2017-EXEMPTION FROM
FILING O.T. and IA No.79255/2017-impleading party and IA
No.79256/2017-EXEMPTION FROM FILING O.T. and IA
No.79270/2017-impleading party and IA No.79273/2017-EXEMPTION FROM
FILING O.T. and IA No.126790/2017-impleading party and IA
No.126791/2017-EXEMPTION FROM FILING O.T. and IA
No.136146/2017-impleading party and IA No.136148/2017-EXEMPTION
FROM FILING O.T. and IA No.136155/2017-impleading party and IA
No.136156/2017-EXEMPTION FROM FILING O.T.)

SLP(C) No. 32024/2014 (XVI)
SLP(C) No. 30707/2014 (XVI)
SLP(C) No. 29303-29310/2014 (XVI)
(and IA No.72293/2017-CLARIFICATION/DIRECTION and IA
No.72294/2017-EXEMPTION FROM FILING O.T.)

SLP(C) No. 29399/2014 (XVI)
(and IA No.72283/2017-CLARIFICATION/DIRECTION and IA
No.72284/2017-EXEMPTION FROM FILING O.T.)

SLP(C) No. 29496/2014 (XVI)
SLP(C) No. 29490-29492/2014 (XVI)
SLP(C) No. 31562/2014 (XVI)
SLP(C) No. 34248/2014 (XVI)
SLP(C) No. 30732/2014 (XVI)

SLP (C) No. 32033/2014 (XVI)
SLP (C) No. 29940-29941/2014 (XVI)
(and IA No.77670/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION
and IA No.77673/2017-EXEMPTION FROM FILING O.T.)

SLP (C) No. 30704/2014 (XVI)
SLP (C) No. 31218/2014 (XVI)
SLP (C) No. 157/2014 (XVI)
SLP (C) No. 2190/2014 (XVI)
SLP (C) No. 155/2014 (XVI)
SLP (C) No. 160/2014 (XVI)
SLP (C) No. 161/2014 (XVI)
SLP (C) No. 150/2014 (XVI)
SLP (C) No. 162/2014 (XVI)
SLP (C) No. 32590/2014 (XVI)
SLP (C) No. 34132/2014 (XVI)
SLP (C) No. 158/2014 (XVI)
SLP (C) No. 159/2014 (XVI)
SLP (C) No. 152/2014 (XVI)
SLP (C) No. 156/2014 (XVI)
SLP (C) No. 151/2014 (XVI)
SLP (C) No. 32645/2014 (XVI)
SLP (C) No. 33131/2014 (XVI)
SLP (C) No. 32673/2014 (XVI)
SLP (C) No. 32614/2014 (XVI)
SLP (C) No. 33051/2014 (XVI)
SLP (C) No. 34818-34820/2014 (XVI)
(and IA No.77654/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION
and IA No.77656/2017-EXEMPTION FROM FILING O.T.)

SLP (C) No. 33708/2014 (XVI)
SLP (C) No. 67/2015 (XVI)
SLP (C) No. 34280/2014 (XVI)
SLP (C) No. 34667/2014 (XVI)
SLP (C) No. 34668/2014 (XVI)
SLP (C) No. 35375/2014 (XVI)
(IA No.77712/2017-CONDONATION OF DELAY IN FILING SUBSTITUTION
APPLN. and IA No.77710/2017-APPLICATION FOR SUBSTITUTION and)

SLP (C) No. 36513/2014 (XVI)
SLP (C) No. 9/2015 (XVI)
SLP (C) No. 2192/2014 (XVI)
SLP (C) No. 2193/2014 (XVI)
SLP (C) No. 3280/2015 (XVI)
SLP (C) No. 36755/2014 (XVI)
SLP (C) No. 3431/2017 (XVI)
(IA No.81500/2017-VACATING STAY and and IA No.81501/2017-EXEMPTION
FROM FILING O.T.)

SLP (C) No. 923-924/2015 (XVI)
SLP (C) No. 9534/2016 (XVI)
SLP (C) No. 31452/2015 (XVI)

SLP(C) No. 2573/2015 (XVI)
 SLP(C) No. 28728-28729/2017 (XVI)
 (IA No.101181/2017-CONDONATION OF DELAY IN FILING and IA
 No.101182/2017-EXEMPTION FROM FILING O.T.)

Date : 16-01-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
 HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Ranjit Kumar, Sr.Adv.
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Mr. Ravikesh K. Sinha, Adv.
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Mr. Parmanand Gaur, AOR

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 Mr. Vinay Kumar, Adv.
 Mr. Ajay Kumar Singh, AOR

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 Mr. Ojesvi Khaneja, Adv.

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Mr. Saurabh Upadhyay, Adv.
Mr. S. K. Verma, AOR

Mr. A. P. Mohanty, AOR

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Mr. Ashiok Kr. Tiwary, Adv.
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Mr. Bimal Kumar Singh, Adv.
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Mr. R. D. Upadhyay, AOR

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Mr. Hresh Singh, Adv.

Mr. Vinay Kumar, Adv.

Mr. Himanshu Shekhar, AOR

Mr. Pahlad Singh Sharma, AOR

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Mr. Rajesh Pathak, Adv.

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Ms. Usha Pandey, Adv.

Mr. Ajit Kumar Pathak, Adv.

For impleadment

Mr. Chandra Prakash, Adv.

Mr. Rituraj Choudhary, Adv.

Mr. A.K. Yadav, Adv.

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

Mr. Ranjit Kumar, learned senior counsel appearing on behalf of the State of Bihar has drawn our attention to the decision of this Court in Ashwani Kumar vs. State of Bihar reported in 1997 (2) SCC 1.

On a reading of the relevant paragraphs of the decision, it appears that around 6,000 employees were appointed by the Selection Committee consisting of Dr. A.A. Mallick, Deputy Director, Health Department of the Government of Bihar. The appointments were the subject matter of decision rendered by this Court. While deciding the matter this Court framed the following points for determination:

1. Whether the appointments of Class III and Class IV employees on the Tuberculosis Eradication Scheme as a part of 20-Point Programme were legal and valid.
2. Whether the confirmation of these employees was legally justified.
3. Whether principles of natural justice were violated while terminating services of all the 6000 employees appointed by Dr. Mallick.
4. Whether relief, if any, can be granted to the appellants.

With regard to first three points for determination, this Court gave an answer in the negative. As far as the relief is concerned, the Court addressed itself to the future recruitment and did not grant any relief to any of the appellants before the Court

except to the extent that if any fresh appointment is made, the benefit of age relaxation and weightage for experience may be given.

For the disposal of the present batch of the special leave petitions, we request Mr. Ranjit Kumar, learned senior counsel to check up the list of around 6000 employees who were the subject matter of discussion in the decision rendered by this Court and also whether any of the petitioner/respondent before us today were a part of this list of around 6000 employees. Prima facie, it appears to us that the cases of those employees who were a part of the around 6000 employees who were the subject matter of the decision of this Court, would stand covered by the said decision. It is for this reason, we request Mr. Ranjit Kumar to carry out this exercise.

Let the needful be done within six weeks.

We are not inclined to entertain any further application by any of the parties for impleadment/intervention. Pending applications will be considered on the next date of hearing.

List after seven weeks.

(USHA RANI BHARDWAJ)
AR CUM PS

(KAILASH CHANDER)
BRANCH OFFICER