

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). 5481 OF 2003

STATE OF BIHAR & ORS.

Appellant (s)

VERSUS

INDIRA KUMARI & ANR.

Respondent(s)

(With office report)

Date: 08/12/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. Anuj Prakash, Adv.for
Mr. Gopal Singh,Adv.

For Respondent(s) Mr. Ratan Kumar Choudhuri,Adv.

Mr. T.N. Singh ,Adv
Mr.Rohit Pandey, Adv.
Mr. V.K.Singh, Adv.

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

The Appeal is dismissed in terms of the signed
order. No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5481 OF 2003

State of Bihar & Others

..Appellants

versus

Indira Kumari & Another

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned
order of the Patna High Court dated 05th January, 2000. We
have perused the impugned judgment and find no infirmity in
the same.

In fact, in paragraph 35 of the judgment of this Court in Babita Prasad & Others vs. State of Bihar & Others 1993 Supp. (3) Scc 268, it has been specifically mentioned that if somebody lower in the panel has been appointed than the persons above him will also be considered for appointment.

Hence, we find no force in this appeal and it is dismissed accordingly. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
DECEMBER 08, 2009.

.....J.
[R.M.LODHA]