

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2848 OF 2006
(Arising out of SLP(C) No.6841 of 2006)

DIR. GEN. CSIR & ANR.

.....APPELLANT(S)

VERSUS

SANTOSH KUMAR MISRA & ANR.

.....RESPONDENT(S)

O R D E R

Heard the learned counsel for the appellants and the respondents.

Leave granted.

We have perused the order impugned in this appeal. The grievance of the

appellant in this appeal is that the High Court has passed the order without ordering

notice to the appellant and without giving opportunity to the appellant to present his

case before the High Court. The respondent herein filed a Writ Petition on 02.01.2006.

The Writ Petition was taken up for hearing on 03.01.2006. The High Court without

ordering notice and without hearing the counsel for the appellant herein disposed of the

Writ Petition. The procedure adopted by the High Court is not correct. We, therefore,

have no hesitation in setting aside the said order and remitting the matter to the High Court to dispose of the Writ Petition on merits and in accordance with law after

affording opportunity to both the parties. The appeal stands disposed of accordingly.

No costs.

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.....J.

(Dr.AR.LAKSHMANAN)

.....J.

(P.K.BALASUBRAMANYAN)

NEW DELHI;

JULY 7, 2006.

ITEM NO.45

COURT NO.8

SECTION XIA

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

RECORD OF PROCEEDINGS

3

Petition(s) for Special Leave to Appeal (Civil) No(s).6841/2006

(From the judgement and order dated 03/01/2006 in WP No. 8/2006 of The HIGH COURT OF ORISSA AT CUTTACK)

DIR. GEN. CSIR & ANR.

Petitioner(s)

VERSUS

SANTOSH KUMAR MISRA & ANR.

Respondent(s)

(With prayer for interim relief)

Date: 07/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. Praveen Swarup, Adv.

Ms. Pareena Swarup, Adv.

Mr. Amit Singh, Adv.

Mr. Rajeev Singh, Adv.

For Respondent(s)

For RR-1

Mr. V. Prabhakar, Adv.

Mr. S. S. Tripathy, Adv.

Mr. Har Prasad, Adv.

Mr. Alok Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

No costs.

(Satish K. Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order is placed on the file)