

T IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2988 OF 2008
(arising out of SLP(C)No.7259/2006)

WAHIDA GANIM JAMADAR ...Appellant

VERSUS

STATE OF MAHARASHTRA & ORS. ...Respondents

ORDER

Leave granted.

This appeal is disposed on a very short point. The High Court while rejecting the writ petition passed the following order :

"The Petitioner was appointed in the year 2003. Considering that the relief as prayed for cannot be granted. The Petitioner does not possess net/set qualification. In the light of that no interference is called for Petition rejected."

After going through the order we find that this is a non-speaking order passed without considering the materials on record and without applying its mind. The impugned order is accordingly set aside and the writ petition is restored to its original file. The High Court is requested to decide the writ petition afresh on merits positively within three months without granting any unnecessary adjournment to either of the parties.

The Civil Appeal is accordingly disposed of with no order as to costs.

.....J.
(TARUN CHATTERJEE)

.....J.
(HARJIT SINGH BEDI)

New Delhi,
April 25, 2008.

ITEM NO.3

COURT NO.10

SECTION IX

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

C.A. No.2988/2008

@ Petition(s) for Special Leave to Appeal (Civil) No(s).7259/2006

(From the judgement and order dated 23/01/2006 in WP No. 5138/2004 of The HIGH COURT OF BOMBAY)

WAHIDA GANIM JAMADAR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 25/04/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Petitioner(s) Mr. Shivaji M. Jadhav, Adv.

For Respondent(s) Mr. Amitesh Kumar, Adv.
Mr. Gopal Singh, Adv.

Ms. Asha Gopalan Nair, Adv.
Mrs. Gargi Khanna, Adv.

UPON hearing counsel the Court made the following

ORDER

Leave granted.

The Civil Appeal is disposed of with no order as to costs in terms of signed order placed on the file.

(A.D. Sharma)
Court Master

(Sneh Bala Mehra)
Court Master

(Signed Order is placed on the file)