

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 16376 of 2017

(Arising out of SLP(C)No.8057 of 2009)

CHANDRA SHEKHAR PRASAD RAI AND ORS.

Appellant(s)

VERSUS

STATE OF BIHAR AND ORS.

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted qua petitioners No.3, 6, 7 & 13, namely, Ramanand Thakur, Prem Kumar Sah, Surendra Prasad Verma and Shyam Sunder Prasad. The special leave petition of other petitioners stands dismissed.

The appellants are serving in the State of Bihar. They appeared in limited competitive exam for the higher posts of Secretariat Assistant in the year 1987. They were appointed in the year 1994 to the said posts. However, since their appointments were held to be in excess of advertised posts, their services were dispensed with in the year 2009 and they were reverted to the posts which they were originally holding, which has been upheld by the High Court.

We find that some of the persons who were lower in the merit to the appellants have continued to hold the posts of Secretariat Assistant as their appointments have been held to be within the number of the advertised posts and they had been appointed in the year 1992 prior to the appointments of the

appellants.

We are of the view that since some of the said 308 persons had lower ranking than the appellants, the said appellants may also be now upgraded for future at par with the last candidate in list of the said 308 persons with effect from 1<sup>st</sup> December, 2017, without any past benefit.

The appeal is partly allowed in above terms.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
October 10, 2017.

ITEM NO.2

COURT NO.10

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). 8057/2009

(Arising out of impugned final judgment and order dated 16-02-2009 in LPA No. 576/1999 passed by the High Court Of Judicature At Patna)

CHANDRA SHEKHAR PRASAD RAI AND ORS.

Petitioner(s)

VERSUS

STATE OF BIHAR AND ORS.

Respondent(s)

Date : 10-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms. Indu Malhotra, Sr. Adv.  
Mr. Varun Singh, Adv.  
Mr. Prashant Singh, Adv.  
Ms. Rakhi Mohanty, Adv.  
Mr. Tanvir Nayaar, Adv.  
Mr. Tanvir Nayar, Adv.  
Mr. Vikas Mehta, AOR

For Respondent(s) Mr. Nagendra Rai, Sr. Adv.  
Mr. Gopal Singh, AOR  
Mr. Shivam Singh, Adv.

Ms. Anupama Sharma, Adv.  
Mr. Vishnu Sharma, AOR  
Ms. Sonali Negi, Adv.

Mr. Ranjan Kumar Pandey, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted qua petitioners No.3, 6, 7 & 13, namely, Ramanand Thakur, Prem Kumar Sah, Surendra Prasad Verma and Shyam Sunder Prasad. The special leave petition of other

petitioners stands dismissed.

In terms of the signed order, the appeal is partly allowed.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
COURT MASTER

(Signed order is placed on the file)