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SLP(C)No. 11159 OF 2001

ITEM No.202

Court No. 4

SECTION XVII
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.11159/2001

(From the judgement and order dated 26/03/2001 in LPA 276/2001
of The HIGH COURT OF PATNA)

SIRAJUDDIN ANSARI

Petitioner (s)

VERSUS

STATE OF BIHAR & ORS.

Respondent (s)

(For Final Disposal)

Date : 05/12/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. H.L. Agarwal, Sr. Adv.
Mr. Gaurav Agarwal, Adv.
Mr. T.P. Mishra, Adv.
Mr. Chander Shekhar Ashri, Adv.

For Respondent (s) Mr. Bharat Sangal, Adv.
Ms. Sangeeta Panicker, Adv.
Mr. Rana Ranjit Kumar, Adv.

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

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Heard learned counsel for the parties for a while.

Leave is granted.

The civil appeal is allowed.

No costs.

(T.I. Rajput)
Court Master

(Kanwal Singh)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 8134 of 2002@@
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(Arising out of S.L.P. (C) No.11159 of 2001)

Sirajuddin Ansari

...Appellant (s)

Versus~

State of Bihar & Ors.

....Respondent (s)

O R D E R@@
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Heard learned counsel for the parties.
Leave is granted.

The only grievance of the appellant is that when he applied to the authorities pursuant to the notification issued with regard to the correction of date of birth, his application was rejected by a cyclostyled order dated 13th December, 2000. That order is filed as Annexure P-4 in this appeal. A perusal of the order shows that it is a proforma order which does not depict application of mind. That order was challenged but the High Court declined to interfere in the writ petition as well as in the writ appeal. So, the appellant is before this Court.

Having regard to the nature of the order impugned in
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the writ petition, we are afraid, we cannot sustain the order which is devoid of application of mind. We, therefore, quash the order dated 13th December, 2000 and direct the authorities to consider the application afresh and pass a reasoned order in accordance with law.

The order under challenge is set aside and the civil appeal is, accordingly, allowed.

No costs.

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.....J.@@
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(Syed Shah Mohammed Quadri)@@
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.....J.@@
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(Arijit Pasayat)@@
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New Delhi,
December 05, 2002.