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C.A.No. 6495 OF 1999
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6495 OF 1999@@
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State of Bihar & Ors. .. Appellants

Vs.

Binay Kumar & Ors. .. Respondents

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Against the order made by the learned Single Judge of the High Court, an L.P.A. was preferred. During the pendency of the proceedings in the L.P.A. an application on contempt side was filed before the Court and under the threat of contempt action being taken against the appellants. the respondents were appointed as Forest Extension Supervisors. There is however no consideration of the L.P.A. on merits which was sought to be disposed of on the basis that after the appointment of the respondents as Forest Extension Supervisors, L.P.A. is treated to have become infructuous. But that course could not have been adopted by the High Court but the matter in appeal should have been decided on merits.

In the result, we set aside the order dated 13.4.1998 made by the High court disposing of L.P.A. as

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having become infructuous and restore the L.P.A. on the file of the High Court for fresh consideration in accordance with law on merits. In the meanwhile the respondents who have been appointed shall be continued in service until the L.P.A.'s are decided. The appeal stands allowed accordingly.

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[S. RAJENDRA BABU]@@
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[RUMA PAL]@@
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New Delhi,@@
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December 5, 2001

