

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). _____ OF 2024
(@ SLP (C) No. 6318 OF 2024)

THE STATE OF BIHAR & ORS.

...Appellant(s)

Vs.

RAM VINAY SHARMA

...Respondent(s)

O R D E R

1. Leave granted.

2. This appeal by way of Special Leave Petition is against the order passed by the High Court directing the personal presence of the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna. The relevant portion of the order is as under:

"Pursuant to our order dated 08.02.2024, we have requested the learned counsel for the appellants to secure assistance of an official. Today, the official Mr. Sunil Chaudhary, Deputy Secretary, Department of Mines, Government of Bihar, Patna, is present in the Court. He is unable to assist this Court with relevant records. Repeatedly, we are asking two documents, namely, method of recruitment to the post of Deputy Director, Mines, and Feeder cadre so as to analyze whether is it seniority-cum-merit or merit-cum-seniority. Further, what is the ranking of the respondent in the Feeder cadre of seniority list and whether was he eligible with reference to seniority list of the Feeder cadre or not? Further up to which serial number in the Seniority list promotions have been ordered. In the absence of these materials, one cannot draw inference whether the respondent is entitled to the promotion to the post of Deputy Director, Mines, with effect from 19.05.1999 as ordered by the learned Single Judge. Therefore, the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna, is hereby directed to appear in person and apprise with the aforementioned materials so as to entertain the present L.P.A. or not?"

3. It is evident that the Division Bench was not getting

assistance that it needed for adjudicating and determining the issue arising for consideration in Letters Patent Appeal No. 108 of 2020. There is no doubt about the fact that all documents, including the file must be placed before the Court, if called for and as required by law, and it is the responsibility of the Law Officers representing the Government to ensure that the documents are placed before the Court. However, we are of the opinion that the personal presence of Principal Secretary of the department is not necessary in the facts and circumstances of the case. While issuing notice in this Special Leave Petition on 19.03.2024, we had stayed the operation of the order impugned before us and the said order is continuing till date.

4. Having considered the matter in detail, we are of the opinion that the Ld. Advocate General of the State should assist the Court with all the necessary documents as indicated in the High Court's order. With these observations and in modification of the order passed by the High Court on 29.02.2024, we dispose of the Civil Appeal.

5. Pending application(s), if any, shall stand disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

NEW DELHI;
NOVEMBER 21, 2024

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). 6318/2024

[Arising out of impugned final judgment and order dated 29-02-2024 in LPA No. 108/2020 passed by the High Court of Judicature at Patna]

THE STATE OF BIHAR & ORS.

Petitioner(s)

VERSUS

RAM VINAY SHARMA

Respondent(s)

IA No. 64332/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 21-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Rishi Kumar Awasthi, Adv.
Mr. Piyush Vatsa, Adv.
Mr. Amit Vikram Awasthi, Adv.
Ms. Ritu Arora, Adv.
Mr. Punit Vinay, AOR

For Respondent(s) Mr. Santosh Kumar, Adv.
Mr. Rajiv R. Mishra, Adv.
Ms. Suruchi Yadav, Adv.
Mr. Yadav Narender Singh, AOR

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

1. Leave granted.
2. The Civil Appeal is disposed of in terms of the Signed Order.
3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

(Signed Order is placed on the file)