

ITEM NO.23

COURT NO.5

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

Diary No(s). 10618/2017

(Arising out of impugned final judgment and order dated 22-12-2016 in LPA No. 273/2016 passed by the High Court Of Judicature At Patna)

MD. ARIFF & ANR.

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(CONDONATION OF DELAY IN FILING SLP)
(EXEMPTION FROM FILING O.T.)

Date : 25-08-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Nagendra Rai, Sr. Adv.
Mr. Prashant Kumar, Adv.
Mr. Shantanu Sagar, AOR

For Respondent(s)

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

The learned senior counsel appearing for the petitioners, on instruction, submits that the petitioners are still in service despite the alleged order regarding termination passed in the year 2011. According to the learned senior counsel, the said order on termination is only an instruction and which does not affect the petitioners since they are otherwise duly qualified and competent to be appointed and continued as teachers.

Our attention has also been invited to the counter affidavit filed before the High Court by the State Government. Be that as it may, these aspects have not been brought to the notice of the

Division Bench of the High Court. Therefore, the Division Bench obviously did not get an opportunity to consider these aspects.

Accordingly, we permit the petitioners to withdraw this Special Leave Petition with liberty to approach the High Court by way of a Review Petition.

We make it clear that in case the review petition is filed before the High Court within thirty days from today, the same may not be dismissed on the ground of delay.

Needless also to say that the submissions which are referred to above, will be addressed by the High Court in the Review Petition.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR