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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1043 OF 2012  
(arising out of SLP (C) No. 12011 of 2011)

DR. GIRISH KUMAR ANEJA

.....APPELLANT(S)

VERSUS

DR. TUNGVIR SINGH ARYA & ORS.

.....RESPONDENT(S)

O R D E R

Leave granted.

Heard Mr. P.P. Rao, learned senior counsel appearing for the appellant at length but we are not persuaded to interfere with the High Court judgment insofar as it strikes down the orders dated February 08, 2008 and December 12, 2008 by which the date of the personal promotion granted to the appellant as Professor was shifted back first from 18.08.2006 to 22.06.2005 and finally to 31.03.2003.

One of the submissions made by Mr. Rao, however, deserves consideration. Mr. Rao submitted that while striking down the two Government Orders, the High Court made certain observations that suggest that the action of the Government in issuing the aforesaid two orders was motivated by bias in favour of the appellant and those orders were intended to give him undue advantage. Mr. Rao pointed out that no plea of mala fide was taken in the writ petition and no officer of the State Government was impleaded in the Writ Petition in his personal capacity; further there was no material before the High Court to come to such a conclusion.

The submission made by Mr. Rao cannot be said to be unjustified.

We, accordingly, make it clear that the decision of the High Court is to be read as striking down the orders dated February 08, 2008 and December 12, 2008 for being bad, illegal and invalid. Any observation in the High Court judgment regarding mala fide, bias or the appellant trying to secure any advantage through personal means shall not be held

against the appellant and shall not be used to his detriment  
in future.

The civil appeal is disposed of with the aforesaid  
observations and directions.

No costs.

.....J.  
(AFTAB ALAM)

.....J.  
(ANIL R. DAVE)

NEW DELHI,  
JANUARY 18, 2012.  
ITEM NO.1

COURT NO.7

SECTION XI

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(s).12011/2011

(From the judgement and order dated 29/01/2011 in CMWP No.56098/2009  
of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

DR. GIRISH KUMAR ANEJA

Petitioner(s)

VERSUS

DR. TUNGVIR SINGH ARYA & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents, prayer for  
interim relief and office report)

Date: 18/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr. P.P. Rao, Sr. Adv.  
Mr. Jatin Zaveri, Adv.  
Mr. Utsav Sidhu, Adv.  
Ms. Fitza Moonis, Adv.  
Ms. Apeksha Sharan, Adv.  
Mr. Abhimanyu Tiwari, Adv.

For Respondent(s)

Mr. A.R. Masoodi, Adv.  
Ms. Rekha Pandey, Adv.  
  
Ms. Shobha Dixit, Sr. Adv.  
Mrs. Niranjana Singh, Adv.  
Ms. Shalini Kumar, Adv.  
Mr. Saket Singhk, Adv.  
  
Mr. Shail Kumar Dwivedi, Adv.  
Mr. Ashutosh Sharma, Adv.  
Mr. Abhinav Shrivastava, Adv.

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

.....2/-

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Leave granted.  
The civil appeal is disposed of.

(N.S.K. Kamesh)  
Court Master

(Sneh Bala Mehra)  
Court Master

(signed order is placed on the file)