

SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

REVIEW PETITION (C) NO(s). 999 OF 2009 IN SLP(C) 5939/2009

MOHAMMAD SALIM Petitioner(s)

VERSUS

PRINCIPAL, NIRMALA CONVENT HIG.SEC.SCL.&ORS. Respondent(s)

(With appln(s) for personal hearing before the court)

Date: 06/07/2009 This Petition was circulated today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE MARKANDEY KATJU

By Circulation

UPON perusing papers the Court made the following
ORDER

The order of dismissal of SLP dated 30.3.2009 is
withdrawn in terms of the signed order and the SLP is ordered
to be placed before another Bench for consideration after the
direction of Hon'ble the Chief Justice of India.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (C) NO. 999 OF 2009

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 5939 OF 2009

MOHAMMAD SALIM PETITIONER (S)

VERSUS

PRINCIPAL, NIRMALA CONVENT RESPONDENT (S)
HIGHER SECONDARY SCHOOL & ORS.

ORDER

The above SLP was heard and dismissed on 30.3.2009 without
issuing notice as the petitioner was not able to convince us that the first
respondent minority institution did not have absolute freedom in
matters of admissions and student discipline under Article 30 of the
Constitution of India.

The review petition filed in the matter expresses an

apprehension that one of the judges was biased against the petitioner during hearing. This Court has always maintained that justice should not only be done but should appear to have been done. In view of the apprehension expressed by the petitioner, we are of the view that the matter should be heard by another Bench.

We, therefore, withdraw the order of dismissal dated 30.3.2009 and request the Hon'ble the Chief Justice of India to place the special leave petition before another Bench for consideration.
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During the hearing, certain observations were made by one of us (Justice Markandey Katju). His intentions were not to offend anyone. However, if anyone's feelings have been hurt, he apologises and expresses his regrets in the matter.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
July 06, 2009.

.....J.
(MARKANDEY KATJU)