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SLP(C)No. 12121 OF 2000

ITEM No.44

Court No. 8

SECTION XI  
A/N MATTER

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.12121/2000

(From the judgement and order dated 18/05/1999 in CMWP 40748/99  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

GIRJA SHANKAR

Petitioner (s)

VERSUS

CHAIRMAN, INDIAN COUNCIL OF HIS.RES.& ANR

Respondent (s)

( With Appln(s). for permission to submit additional document(s) and  
exemption from filing O.T. of annexure with prayer for interim  
relief)

Date : 19/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s)

Petitioner-In-Person

For Respondent (s)

Mr. C.P. Tyagi, Adv.

RR 1-2

Mr. Chandra Prakash Pandey, Adv.

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

.....L.....I.....J  
.SP2

Leave is granted.  
The appeal is allowed in terms of the signed order.  
No costs.

.SP1

(J.S. Rawat)  
Court Master

(Kanwal Singh)  
Court Master

(Signed order is placed on the file)

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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
.PL58

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. of 2001@@  
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(Arising out of SLP(C) No. 12121/2000)

Girja Shankar

...Appellant (s)

Versus

Chairman, India Council of  
Historical Research & Anr.

...Respondent(s)

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
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Leave is granted.

This appeal is from the judgment and order of the Division Bench of the High Court of Allahabad dated 18.5.1999 passed in C.M.W.P. No. 40748 of 1997. The impugned order reads as follows:-

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP1

"Petitioner applied for the fellowship of Indian Council of Historical Research as narrated by him. It was granted on 23rd March, 1994. On 19.8.1994 six months extension was granted. He further applied for extension which respondent No. 2 has refused to grant.

We do not propose to examine its niceties same the petitioner has no legitimate right.

The writ petition is dismissed."

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

It appears that the appellant was granted a Research Fellowship which he was expected to join with six months from March 23, 1994. He applied for extension of time to join the Fellowship and on August 19, 1994 the period for joining was

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extended till March 22, 1995. Thereafter, on February 28, 1995 the appellant again sought revalidation (as it is termed) for a period of two years. It appears from Annexure-P5 that on January 2, 1996, The Indian Council of Historical Research informed that 83rd RPC has approved the revalidation.

A perusal of the order quoted above shows that the High Court proceeded on the assumption that the extension sought by the appellant on March 4, 1995 was not granted, which is obviously not correct. In this view of the matter, we are unable to sustain the order of the High Court. The impugned order is set aside and the Writ Petition is restored to the file of the High Court to be decided and disposed of in accordance with law.

The appeal is accordingly allowed. However, there shall be no order as to costs.

.SP1

.....J@@  
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(SYED SHAH MOHAMMED QUADRI)@@  
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New Delhi,  
February 19, 2001.

.....J@@  
BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB  
( S.N. PHUKAN )@@  
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