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SLP(C)No. 20063 OF 2000  
ITEM No.31

Court No. 7

SECTION IVB  
A/N MATTER

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 (Civil) No.20063/2000

(From the judgement and order dated 14/07/2000 in CWP 18078/98  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MAHAVIR SINGH

Petitioner (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 24/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Ashok Agarwal, Adv.  
Mr. Vineet Sinha, Adv.  
Mr. Rajender Pd. Saxena, Adv.

For Respondent (s) Mr. Mahabir Singh, Adv.

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

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

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

.SP1

(Meenu Sethi)  
Court Master

(Om Prakash)  
Court Master

Signed order is placed on the file

.PA

.....L.....I.....J  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5683 OF 2001@@  
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(Arising out of Special leave petition(C) No. 20063/2000)

Mahavir Singh ...Appellant

Versus

State of Haryana & Ors. ...Respondents

O R D E R

.SP2  
.....L.....I.....J  
Leave granted.

The appellant - Mahavir Singh was promoted to the post of a Driver from the post of a Peon in the year 1995. Thereafter, certain rules were framed in the year 1996 which provided for qualification for the post of Driver stating that the candidate must have passed at least middle school examination with Hindi. On the basis that the appellant does not possess qualification of middle school examination he was reverted to his original post. He unsuccessfully filed Writ petition before the High Court. Fact remains that when he was appointed in 1995 there was no such rule in force requiring passing of middle school examination. Hence the question of examining whether he possesses the said qualification under the rule, which came into force subsequently, will not be of any avail to the respondents. This aspect was lost sight of by the High Court. In that view of the matter we allow this appeal and

set aside the order made by the High Court and hold that the promotion of the appellant to the post of Driver is in order. The appeal is allowed accordingly by setting aside the order of the High Court and quashing the order of reversion to the post of Peon. No order as to costs.

.SP1  
.....J  
(S. RAJENDRA BABU)

.....J  
(BRIJESH KUMAR)

New Delhi,  
August 24, 2001.