

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).22882-22888/2004

(From the judgement and order dated 01/07/2004 in CWJC No. 1533/2004 & CWJC No.1788/2004 & CWJC No. 1789/2004 & CWJC No.1861/2004 & CWJC No. 5053/2004 & CWJC No. 6661/2003 & CWJC No. 13246/2003 of The HIGH COURT OF PATNA)

STATE OF BIHAR & ORS.

Petitioner(s)

VERSUS

NAND KISHORE OJHA & ORS.

Respondent(s)

(With appln. for Intervention/Impleadment, and prayer for interim relief and office report)

WITH SLP(C) NO. 23075-23078 of 2004

(With prayer for interim relief)

SLP(C) NO. 24373-24375 of 2004

(With prayer for interim relief)

Date: 23/01/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s) Mr.Kailash Vasdev,Sr.Adv.

Mr. Gopal Singh,Adv.

Mr.Rakesh Dwivedi,Sr.Adv.

Mr.Sudhanshu Saran, Adv.

Mr. Akhilesh Kumar Pandey

For Respondent(s) Mrs Lalita Kaushik,Adv.

Mr. Rakesh Uttamchandra Upadhyay ,Adv

Mr.K.M.Joseph, Adv.

Mr.Amit Pawan, Adv,

Mr. S. Chandra Shekhar ,Adv

Dr. (Mrs.) Vipin Gupta

Mr.Sridhar Potaraju, Adv.

Mr.Rohit Rao, Adv.

Mr. John Mathew, Adv.

Mr.V.K. Rao,Adv.

Mrs.Madhu Sikri,Adv.

:2:

For intervenor:

Mr.Shree Pal Singh, Adv.

Mr.Binay Kuymar Jha, Adv.

For intervenor:

Mr. N.N. Jha, Adv,

Mr.Debasis Mishra, Adv.

For intervenor/

Mr.sunil Kumar Verma, Adv.

Applicant

Mr.Rameshwar Prasad Goyal,Adv.

For intervenor:

Mr.Ran Kr.Choudhary, Adv.

For intervenor:

Dr.Kailash Chand Gupta,Adv.

For applicant:

Mr.Neeraj Shekhar,Adv.

Mr.Swetank, Adv.

Mr.SS Bandhopadhyay, Adv.

Mr.Mohan Pandey, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP (Civil) No.22882-22888/2004:

The affidavit affirmed by the Commissioner-cum-Secretary, Education Department, Government of Bihar setting out the grounds for withdrawal of the special leave petitions is taken on record. It is stated by the learned counsel appearing on behalf of the State of Bihar that on the basis of grounds as set out in the said affidavit the special leave petitions should be permitted to be withdrawn. Therefore, without going into the merits of the special leave petitions, they are dismissed as withdrawn.

SLP (C) Nos.23075-23078/2004 & 24373-24375/2004:

The grievance of the petitioner, namely, the Bihar Staff Selection Commission, referred to as 'the Commission' is that the petitioner has been directed

:3:

to refund the quantum collected by the Commission from the students for holding an examination. The examination admittedly has not been held.

It is stated on behalf of the State of Bihar that the money collected from the candidates being Rs.75/- from the General Category candidates and Rs.25/-

from the candidates belonging to the Scheduled Castes and Scheduled

Tribes, totalling about Rs.12.50- lakhs is lying in the General Post Office at Patna. It is stated that the State of Bihar will give general notice and reasonable time to the students to claim refund to make applications. If there is any balance, the left over amount will be deposited in the Chief Minister's Relief Fund. Any expense which the Commission has incurred by reason of the preliminary steps for the holding of the examination will be adjusted between the State Government and the Commission. In view of the said statement, the special leave petitions are disposed of.

(Usha Bhardwaj)

Court Master

(Madhu Saxena)

Court Master