

\*ITEM NO.117

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6727 OF 2004

STATE OF MIZORAM & ORS.

Appellants

VERSUS

S.B. CHOWDHURY & ORS.

Respondents

(With office report )

Date: 02/03/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. Pragyan Pradip Sharma, Adv.  
Mr. Siddhartha Lodha, Adv.  
Mr. P.V. Yogeswaran, Adv.

For Respondent(s)

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

The appeal is dismissed in terms of the signed order.

(NIDHI CHUGH)  
Sr. P.A.

(RENUKA SADANA)  
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6727 OF 2004

STATE OF MIZORAM & ORS.

Appellants

VERSUS

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O R D E R

The State of Mizoram is in appeal challenging the judgment rendered by the Division Bench of the Gauhati High Court in Writ Appeal No. 18 of 1999 whereby the Division Bench confirmed the judgment of the learned Single Judge and accordingly, held that the first respondent herein was entitled to be promoted to the post of Overseer Grade-II. The Division Bench concurred with the view of the learned Single Judge that the first respondent herein was found to be senior to the respondent No.7 in the Writ and therefore, his promotion as Overseer Grade-II has been arbitrarily denied. The Division Bench also rejected the contention that the first respondent herein was not entitled for promotion to the post of Overseer Grade-II since he was found unfit for selection for the post of

Overseer Grade-II. The Division Bench found that the said factor cannot determine the entitlement of the first respondent herein for promotion to the next higher post on the basis of rule of seniority, since no selection, as such, is contemplated by the rules in force.

We do not find any error committed by the High Court, requiring our interference.

The appeal shall, accordingly, stand dismissed.

....., J.  
[B. SUDERSHAN REDDY]

....., J.  
[SURINDER SINGH NIJJAR]

NEW DELHI,  
MARCH 02, 2011.