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SLP(C)No. 21171 OF 2003
ITEM No.30

Court No. 6

SECTION XVII
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.21171/2003

(From the judgement and order dated 31/07/2003 in LPA 667/03
of The HIGH COURT OF PATNA)

ARBIND KUMAR JHA & ORS.

Petitioner (s)

VERSUS

STATE OF BIHAR & ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for exemption from filing O.T. and permission to
submit additional document(s))

With

SLP(C)No.2143/2004

(With appln. for exemption from filing O.T. and with prayer for
interim relief)

Date : 16/04/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)Dr. A.M. Singhvi, Sr.Adv.

Mr. Sanjay Karol, Sr.Adv.

Mr. Rajeev Kumar, Adv.

Mr. Pavan Kumar,Adv.

Mr. Amit Bhandare, Adv.

Mr. R.Venkataramani, Sr.Adv.

Mr. Santosh Kumar, Adv.

Mr. Atishi Dipankar, Adv.

For Respondent (s)Mr. Yasobant Das, Sr.Adv.

Mr. Anurag Dubey, Adv.

Mr. Manish Kumar, Adv.

Mr. Aditya Dubey, Adv.

Mr. S.R. Setia,Adv.

Mr. B.B. Singh,Adv.

Ms. Sunita R. Singh, Adv.

Mr. Akhilesh Kumar Pandey,Adv.

Mr. Ashok Kr. Pandey, Adv.

For R.Nos.5-7 in

SLP 2143/04:Mr. S.B. Upadhyay, Adv.

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in SLP 21171/03:Mr. R.K. Jain, Sr.Adv.

Mr. A.P. Sahay, Adv.
Mrs. Kiran Bala, Adv.
Mr. Kuldip Singh, Adv.

in SLP 2143/04:Mr. Shanti Bhushan, Sr.Adv.
Mr. A.P. Sahay, Adv.
Mr. Kuldip Singh, Adv.

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

By order dated 16th July, 2003, a learned Single Judge of Patna High Court declined stay of the appointment to the post of Assistant Engineer (Civil) but directed that the proposed appointments shall be subject to the result of C.W.J.C.No.9537/2000 and connected cases. It was further directed that the said fact should be noted in the respective appointment letters of the successful candidates. The order was passed in CWJC No.4895/2003. The order dated 16th July, 2003 was challenged in L.P.A.No.667/2003. A learned Division Bench by the impugned ex-parte order dated 31st July, 2003 directed that until the State Government/Bihar Public Service Commission shows cause on this aspect, the selection so made shall not be given effect to until further orders. We are told that the State Government/Bihar Public Service Commission have appeared in the L.P.A.No.667/2003 and filed their opposition. The ex-parte order dated 31st July, 2003 has been challenged by some of the selected Assistant Engineers who are proposed to be appointed by the State Government pursuant to the selection by the Bihar Public Service Commission. They are also said to have intervened in L.P.A.No.667/2003. We are of the view that insofar as the interim order in the LPA is concerned, the matter deserves to be expeditiously decided by the High Court, after hearing all concerned.

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In this view, while adjourning these matters to 5th May, 2004, we request the High Court to decide the aspect of interim order in L.P.A.No.667/2003 on or before 30th April, 2004. The parties shall apprise the High Court of the order passed today.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master