

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).10846/2010

(From the judgement and order dated 10/02/2010 in CMWP No.6545/2005 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

DR. DAYA SHANKAR SINGH Petitioner(s)

VERSUS

THE STATE OF U.P. AND ORS. Respondent(s)

(With office report )

Date: 01/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. S.P.Singh, Sr. Adv.  
Mr. D.S.Parmar, Adv.  
Mr.Susheel Tomer, Adv.  
Mr. Ravindra S. Garia,Adv.

For Respondent(s) Mr. Lagnesh Mishra, Adv.  
Mr. V.N. Raghupathy,Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

|(Shashi Sareen) | |(Veena Khera) |  
|Court Master | |Court Master |

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 7758 OF 2012  
(Arising out of SLP(C) No. 10846 of 2010)

| DR. DAYA SHANKAR SINGH |...| Appellant(s) |

| Versus |

| THE STATE OF U.P. AND ORS. |...| Respondent(s) |

O R D E R

Leave granted.

In Writ Petition No. 25223 of 1992 filed by respondent No. 7 Devendra Pratap Singh, a Division Bench of the High Court of Allahabad passed an order on 19.10.1995 directing that the cases of the appellant herein and the said Devender Pratap Singh be considered by a Screening Committee to be constituted for that purpose keeping in view the observations made by the High Court in the order passed by it.

The Screening Committee appears to have accordingly considered the cases of the appellant respondent No. 7 and found respondent No. 7 to be fit and suitable for regularisation while the prayer for regularisation of the appellant was declined. Aggrieved by the decision of the Screening Committee and a communication dated 5th January, 2005 issued by the Director, Higher Education, U.P. Allahabad the appellant preferred Writ Petition No. 6545 of 2005 before the High Court at Allahabad. The High Court has

by a short order dated 02.10.2010 impugned in this appeal dismissed the said petition order which may be extracted in extenso:.

"Heard learned counsel for the parties.

This petition is directed against an order dated 5th of January, 2005 by which the services of the respondent No. 7 have been regularized on the post of Lecturer in Hindi.

During arguments, learned counsel for the petitioner has failed to point out any infirmity in the appointment or regularisation of the respondent No. 7. Infact he has not been able to confront the court with minimum qualification prescribed for the post.

Accordingly, no case for interference is made out. rejected."

We are not satisfied with the above order for the same does not either set out the factual background in which the writ petition came to be filed nor does it identify the points that were urged at the Bar by learned counsel appearing for the writ petitioner. All that the order states is that learned counsel for the petitioner was unable to point out any infirmity in the appointment or regularisation of respondent No. 7 in the writ petition. It was contended by learned counsel for the appellant that the writ petition made specific averments and raised specific grounds challenging the regularisation of respondent No. 7

and the refusal of a similar relief to the writ petitioner-appellant. He further states that submissions in support of those grounds were also made before the High Court which the High Court has failed to notice. Be that as it may, we are of the view that the High Court would do well to have a fresh look at the matter and pass appropriate orders after adverting to the points that may be urged by learned counsel for the parties. We accordingly allow this appeal, set aside the order passed by the High Court and remit the matter back to the High Court for a fresh disposal in accordance with law leaving the parties to bear their own costs.

.....J.  
(T.S.THAKUR)

.....J.  
(GYAN SUDHA MISRA)

New Delhi,  
November 1, 2012