

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).23182/2008

(From the judgement and order dated 20/02/2008 in CR No. 221/2007  
of The HIGH COURT OF PATNA)

HEMLATA &amp; ORS.

Petitioner(s)

VERSUS

STATE OF BIHAR &amp; ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and  
office report )

Date: 18/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s)

Petitioner-In-Person,

For Respondent(s)

Mr. V.K. Sidharthan,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.

(Ganga Thakur)  
PS to Registrar(Juginder Kaur)  
Court MasterSigned order is placed on the file.  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8500 OF 2009  
(Arising out of SLP(C) No.23182/08)

HEMLATA &amp; ORS.

...APPELLANT (S)

Versus

STATE OF BIHAR &amp; ORS.

..RESPONDENT (S)

O R D E R

Leave granted.

Having heard Mr. Alok Kumar Prasad, appellant No.2, appearing in person for himself and holding Power of Attorney for the other appellants, and learned counsel appearing for respondents Nos. 2 and 3, University, and having regard to the order passed on 20th February, 2008, in Civil Review No.221 of 2007, we are of the view that the appeal should be allowed, since the order impugned relies basically on assumption that a prayer must have been made for withdrawal of Letters Patent Appeal.

We are unable to accept such a finding. Accordingly, while setting aside the order, we also set aside the order disposing of the Letters Patent Appeal on 20th February, 2008, and direct that the said appeal be heard on merits.

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The appeal is accordingly allowed. There will be no order as to costs.

.....J.  
( ALTAMAS KABIR )

.....J.  
( DEEPAK VERMA )

New Delhi,  
December 18, 2009.