

ITEM NO.10

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. No. 5/2014 in Petition(s) for Special Leave to Appeal (C)  
No(s). 31027/2012

(Arising out of impugned final judgment and order dated 25/11/2011  
in LPA No. 1764/2011,25/11/2011 in CWJC No. 5451/2006 passed by the  
High Court Of Patna)

THE STATE OF BIHAR &amp; ORS.

Petitioner(s)

VERSUS

AJIT SINGH &amp; ORS.

Respondent(s)

(for clarification and office report)

Date : 25/08/2015 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Abhinav Mukerji, Adv.  
Mr. Bihu Sharma, Adv.

For Respondent(s) Mr. N.Rai, Sr. Adv.  
Mr. Braj Kishore Mishra, Adv.  
Ms. Aprna Jham adv.  
Mr. Siddhartha Arya, Adv.

Mr. Arun Kumar, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

I.A. is disposed of accordingly.

(Shashi Sareen)  
AR-cum-PS

(Veena Khera)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 6570 OF 2015  
(Arising out of SLP(C) No. 31027 of 2012)

THE STATE OF BIHAR AND ORS. ... Appellant(s)

Versus

AJIT SINGH AND ORS. ... Respondent(s)

O R D E R

Leave granted.

After arguing the matter at considerable length, Mr. Nagendra Rai, learned senior counsel for the respondent submits that the respondent is content with his promotion as Assistant Professor on substantive basis w.e.f. 13.12.2003 and that he would withdraw the writ petition as also the application for amendment in which he had asked for retrospective effect to his promotion from the year 1998. He submits that the order passed by the High Court could, in the light of the withdrawal of the writ petition be set-aside and the matter disposed of reserving liberty for respondent No. 1 to seek appropriate redress in appropriate proceedings before the appropriate Forum for seeking other reliefs, if any, admissible to him on the basis of his promotion taking effect from 13.12.2003.

Learned counsel for the appellant has no objection to this course being followed.

We accordingly allow this appeal, set aside the order passed by the Civil Judge and the Division Bench of the High Court and dismiss the writ petition filed by the respondent as withdrawn reserving liberty to respondent No. 1 to seek appropriate redress, if so advised, for any relief on the basis of his promotion w.e.f. 13.12.2003 onwards. We express no opinion on the merits of any such proceedings which the respondent may institute. The competent court shall be free to deal with the same in accordance with law. No costs.

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

.....J.  
(N.V.RAMANA)

New Delhi,  
25<sup>th</sup> August, 2015.