

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.2799 OF 2011

Ashok Singh & Ors.Appellant(s)

VERSUS

State of U.P. & Ors. ...Respondent(s)

J U D G M E N T

Abhay Manohar Sapre, J.

1. This appeal is filed by the four appellants questioning the legality and correctness of the final judgment and order dated 12.10.2006 passed by the High Court of Judicature at Allahabad in Special Appeal No.1078 of 2006 which arose out of order dated 08.08.2006 passed by the Single Judge of the High Court in W.P. No. 13274 of 2006 and other connected writ petitions.

2. The original writ petitions were filed by respondent Nos. 4 to 6 herein against respondent Nos. 1 to 3 herein so also by respondent Nos. 7 to 17 herein. The writ Court disposed of the writ petitions. Dissatisfied with the order in the writ petition, respondent Nos. 7 to 17 filed intra court writ appeal before the Division Bench. The Division Bench dismissed the writ appeal.

3. It is not in dispute that the appellants were neither parties to the writ petitions and nor in the writ appeals out of which this appeal arises. In other words, the controversy in the writ petitions and the writ appeal was essentially between respondent Nos.4 to 6 and 7 to 17 and the State and its concerned departments (respondent Nos.1 to 3).

4. That apart, the appellants on their part also did not pray for being added as party respondents in the said writ petitions or/and in writ appeal. It is also not in dispute that no party to the writ petitions and the

writ appeal has felt aggrieved by the impugned order and, therefore, has not filed any appeal in this Court against the impugned order.

5. In other words, the controversy, which was subject matter of the writ petitions and the writ appeal, has attained finality *inter se* parties to the writ petitions/writ appeal because no party to the writ petitions/writ appeal has questioned the legality and correctness of the impugned order in appeal before this Court.

6. In such a situation, we do not consider it appropriate to examine the legality and correctness of the impugned order for the first time at the instance of the appellants in this appeal.

7. Had the impugned order been questioned by any party to the writ petitions/writ appeal by filing any appeal before this Court then perhaps the situation would have been different. Such is, however, not the case here.

8. We, therefore, decline to go into the merits of the controversy sought to be raised by the appellants in this appeal and leave the parties to work out their rights in appropriate forum in accordance with law *qua* each other.

9. With these observations, this appeal is accordingly disposed of.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[VINEET SARAN]

New Delhi;
September 11, 2018