

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4920 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4110 OF 2017]

DR. LAKSHMI NARAYAN SINGH

Appellant(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is aggrieved by his transfer as a Medical Officer. We find from the Judgment dated 07.08.2008 of the High Court of Judicature at Patna in the case of the appellant in CWJC No. 12585 of 1992 that "...The petitioner would also be entitled to receive salary of an Associate Professor.....". That Judgment has become final. We also find from the order dated 29.11.1986 that the appellant had been posted in a teaching post in Patna Medical College.

3. The learned counsel for the State vehemently contends that though the services of the appellant may have been utilised for the purpose of teaching, that liberty does not make him a teacher in Pathology in terms of the cadre allocation. We have no quarrel with the submission. But on facts, it has now come out that the appellant had been treated as a teacher, as can be seen from the Judgment we have extracted above.

4. In the above circumstances, we set aside the Judgment of the Division Bench and also of the learned Single Judge and allow the appeal. It is made clear that this Judgment is rendered in the peculiar facts of this case and thus, not to be treated as a precedent.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
May 08, 2018.

ITEM NO.16

COURT NO.5

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

Petition for Special Leave to Appeal (C) No. 4110 of 2017

DR. LAKSHMI NARAYAN SINGH

Appellant(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

Date : 08-05-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDARFor Appellant(s) Mr. Amarendra Sharan, Sr. Adv.
Mr. Sanchit Guru, Adv.
Mr. Shantanu Sagar, AOR
Mr. Jeevesh P., Adv.For Respondent(s) Mr. Shivam Singh, Adv.
Mr. Gopal Singh, AORUPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed non-reportable
Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)