

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3079 OF 2020

(Arising out of SLP (Civil) No.10167 of 2018)

STATE OF JHARKHAND

Appellant

VERSUS

MANOJ KUMAR & ORS.

Respondents

O R D E R

Leave granted.

This appeal challenges the order dated 20.02.2018 passed by the High Court of Jharkhand at Ranchi in Interlocutory Application No.8750 of 2017 in Letters Patent Appeal No.568 of 2017.

The basic factual contours and the submissions as noted in the judgment of the Single Judge of the High Court are as under:

“10. The petitioner admittedly is a B.C.-I candidate and was working in the State of Jharkhand, after bifurcation of the State of Bihar. The prayer of the petitioner to be considered as B.C.-I was denied by the respondents on the ground that by virtue of limited examination, the petitioner will be appointed afresh in the State of Jharkhand and his caste is not included in the schedule as B.C.-I, thus the petitioner cannot be treated as B.C.-I candidate.

X X X X X

12. In the case in hand, the petitioner was already working in the Department as B.C.-I candidate and thereafter by virtue of his employment in the Co-operative Department under the State of Jharkhand, he

qualified to appear in the limited examination. Admittedly he is a B.C.-I candidate and after bifurcation of the State, he was allotted the Jharkhand cadre. He carried his B.C.-I category with him after bifurcation also. Thus, the Resolution number 4722 dated 14.08.2008 applies to the petitioner. The State acknowledges the petitioner as B.C.-I category while he is working in Co-operative Department under the State, but will not treat him as B.C.-I for the purpose of limited examination, this is inconceivable. Strictly speaking this appointment so far as the petitioner is concerned cannot be said to be a fresh appointment. The petitioner, after reorganization of the State, was allotted the Jharkhand State cadre as a B.C.-I candidate. Thus, his status as B.C.-I candidate for the purpose of service has to be maintained. Thus, the claim of the respondents that the petitioner cannot be treated as a B.C.-I candidate is erroneous. In the opinion of this Court, the petitioner has to be treated as a B.C.-I candidate."

The Single Judge thereafter directed State of Jharkhand to take appropriate decision in the light of the findings rendered by the Single Judge.

Being aggrieved, State of Jharkhand filed Letters Patent Appeal No.568 of 2017 with a delay of 182 days. While condoning the delay, the Division Bench refused to grant interim relief in the matter.

Non-grant of interim relief is now subject matter of this appeal.

After issuing notice vide order dated 27.04.2018, this Court directed that pending further consideration, there shall be stay of the order passed by the Single Judge.

Resultantly, the order of the Single Judge has remained

stayed for last more than two years.

Considering the peculiar facts of the case, in our view, ends of justice would be met if we direct the High Court to dispose of Letters Patent Appeal No.568 of 2017 as early as possible and preferably within two months of receipt of this order.

The interim order passed by this Court shall be the interim order in Letters Patent Appeal pending before the High Court.

We have not and shall not be taken to have reflected on merits of the matter which may be gone into independently.

This order be intimated to the Registry of the High Court at the earliest possible.

The appeal stands disposed of in aforesaid terms. No costs.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[VINEET SARAN]

.....J.  
[KRISHNA MURARI]

NEW DELHI;  
SEPTEMBER 04, 2020.

