

ITEM NO.30

COURT NO.10

SECTION XI

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(s) for Special Leave to Appeal (C) No(s). 19707/2017

(Arising out of impugned final judgment and order dated 28-07-2017 in WPC No. 16963/2017 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

THE STATE OF UTTAR PRADESH & ORS.

Petitioner(s)

VERSUS

VINDESHAWARI PRASAD

Respondent(s)

(IA No.67159/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67157/2017-EXEMPTION FROM FILING O.T.)

Date : 08-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGUDAR

For Petitioner(s) Mr. K.K. Venugopal, Attorney General
Mr. D. K. Singh, Adv.
Ms. Pareena Swarup, Adv.
Mr. Anuvrat Sharma, AOR
Ms. Alka Sinha, Adv.
Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.
Mr. Ameet Singh, Adv.

For Respondent(s) Mr. R. S. Suri, Sr. Adv. & President (SCBA)

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

Heard learned counsel appearing for the State.

In our opinion the High Court should not have insisted to filing of personal affidavit by Chief Secretary and his presence

and the observations made in the Orders were wholly unnecessary and uncalled for. As such the all adverse observations made in the orders dated 31.07.2017 in Misc. Bench No.16573 of 2017, dated 01.08.2017 in Misc. Bench No.6945 of 2017 and 01.08.2017 in Misc. Bench No.16755 of 2017 were not necessary for the decision of the case, are hereby expunged.

The direction to Chief Secretary to report back was also not called for. This Court has laid down that ordinarily. The Court should not call such officers to Court. As such directions for personal presence of Chief Secretary was not called for, the directions issued in Paragraph Nos.21 and 22 of Order dated 28.07.2017 were also wholly uncalled for. But the High Court has unnecessarily called for affidavit by the Chief Secretary and summoned him for personal presence in such matters where it was not necessary to call him. Accordingly, the part of the orders related to presence of Chief Secretary and his presence and filing of affidavit are set aside.

Let affidavit be filed by the concerned Officer In-charge that would be sufficient in the matters. We place on record our appreciation to the gesture shown by Mr. K.K. Venugopal, Attorney General and Mr. R. S. Suri, President of Supreme Court Bar Association in this case. We hope and expect dignity to prevail at all the ends.

Accordingly, the Special Leave Petition is disposed of.

Pending applications stand disposed of.

(RASHI GUPTA)
SENIOR PERSONAL ASSISTANT

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER