

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8705 OF 2017

(Arising out of SLP(C) No.32793 of 2014)

THE STATE OF BIHAR & ORS. . . . .APPELLANT(S)

VERSUS

HARIDEO JHA . . . . .RESPONDENT(S)

O R D E R

Leave granted.

This appeal has been preferred by the appellants against the impugned order dated 19.07.2011 passed by the High Court of Judicature at Patna in Letters Patent Appeal No.1642/2010 (modified vide order dated 21.03.2012), whereby the High Court while disposing of the said appeal, directed the Appellant-State Government to provide the notional regularisation to the respondent from the date of which the similiary situated persons who are junior to him, have been given benefit of regularisation. Being aggrieved, the appellants preferred this appeal.

We have heard learned counsel appearing for the parties and perused the record.

The learned Single Judge of the High Court considered the case of the respondent and held that he is not entilted for a relief since he has already availed

and accepted the benefit of status conferred along with other service benefits, without protest. The relief sought by the respondent seeking retrospective regularisation having an effect on the seniority, was rejected by the learned Single Judge.

The Division Bench of the High Court without giving any reasons, reversed the order of the learned Single Judge.

For the reasons aforesaid, without going into the merits of the case, we deem it fit and appropriate to remand the matter to the Division Bench of the High Court for fresh consideration. We order accordingly.

We are informed that the respondent has retired on attaining the age of superannuation five years back. Therefore, we request the High Court to expedite the hearing of the case and dispose it of in accordance with law.

The appeal is disposed of in the above terms.

.....J  
[S. A. BOBDE]

.....J  
[L. NAGESWARA RAO]

New Delhi;  
July 07, 2017.

ITEM NO.49

COURT NO.7

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(s) for Special Leave to Appeal (C) No(s).32793/2014

(Arising out of impugned final judgment and order dated 19-07-2011 in LPA No.1642/2010 (modified on 21-03-2012), passed by the High Court of Patna)

THE STATE OF BIHAR &amp; ORS.

Petitioner(s)

VERSUS

HARIDEO JHA

Respondent(s)

(With appln.(s) for exemption from filing O.T.)

Date : 07-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Rudreshwar Singh, Adv.  
Mr. Kaushik Poddar, Adv.  
For Mr. Samir Ali Khan, AOR

For Respondent(s) Mr. Gaurav Agrawal, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

As a sequel to the above, pending interlocutory applications,  
if any, stand disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
BRANCH OFFICER

(Signed Order is placed on the file)