

**SUPREME COURT OF INDIA**

Bir Bajrang Kumar

Vs.

State of Bihar

C.A.No.2791 of 1985

(S. Murtaza Fazl Ali and R. B. Misra, JJ.)

08.07.1985

**ORDER**

1. Special leave is granted.

2. Heard counsel for the parties. After going through the record of the case it appears that one of the cases involving an identical point has already been admitted by the High Court but another identical petition was dismissed by the same High Court. This, therefore, creates a very anomalous position and there is a clear possibility of two contradictory judgments being rendered in the same case by the High Court. In these circumstances, we allow this appeal and set aside the order dismissing C.W.J.C. No. 163 of 1985. This appeal is remanded to the High Court to be heard along with C.W.J.C. No. 5728 of 1984 which is pending hearing.

3. Status quo as on today in both the cases shall be maintained.

4. The respondents are at liberty to move to the High court for any other relief, if so advised.

Appeal allowed.