

Bhuvaneshwar Prasad Singh

Vs

State of Bihar and Others

(Civil Appeal No. 3803 of 1992, With Civil Miscellaneous Petition No. 16857 of 1989

(L. M. Sharma, N. Venkatachala JJ)

17.09.1992

JUDGMENT

VENKATACHALA, J. –

1. This petition for special leave to appeal arises from an order dated February 15, 1989 of the Patna High Court in Writ Petition, CWJC No. 5954 of 1987. The petitioner who was in the service of the State Government had impugned in that writ petition, an order of the Director of the Directorate of Freedom Fighters of the Government of Bihar, by which his claim for extension of service by two years based on Bihar State Government's Notification dated May 31, 1983, had been refused. But, the High Court dismissed that writ petition by its order dated February 15, 1989, on the sole ground that a Division Bench of that court in CWJC No. 953 of 1988 had nullified the notification of the State Government on which petitioner's claim had been based. The present SLP has been filed respecting that order of the High Court.

2. Admittedly, the judgment of the Division Bench of the Patna High Court in CWJC No. 953 of 1988 which had been followed in making the order respecting which the present SLP has been filed, being the subject matter of Civil Appeal No. 4839 of 1989 before this Court, that judgment has been set aside and the matter is remitted to the High Court of Patna for fresh disposal in accordance with law, by this Court's order dated November 28, 1989.

3. Special leave is, therefore, granted, appeal is allowed, order dated February 15, 1989 in CWJC No. 5954 of 1987 appealed against is set aside, and the case is remitted to the High Court for fresh disposal in accordance with law. No costs.

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