

Yadavindra Public School Association

Vs

State Of Punjab and Others

Civil Appeal No. 3376 of 1998

(B. N. Kirpal, A. P. Mishra JJ)

17.07.1998

ORDER

1. Leave granted.

2. Considering that serious allegations of mala fides have been raised in the writ petition, it was not appropriate, in our opinion, for the High Court to have dismissed the writ petition by a detailed order in limine and without notice. When such allegations of mala fides are raised and the person against whom the allegations are made has been impleaded as a respondent, it would be appropriate to give an opportunity to the person concerned to file an affidavit and then to decide the case on merits. Without expressing any opinion on the merits of this case, we set aside the judgment of the High Court and restore CWP No. 16047 of 1997 to the file of the High Court for decision in accordance with law. Pending disposal of the writ petition, the appellant should not be dispossessed.