

**SUPREME COURT OF INDIA**

Shive Kumar Tanti

Vs.

U.O.I. & Ors.

C.A.No.1797 of 2008

(Tarun Chatterjee and Harjit Singh Bedi, JJ.)

04.03.2008

**ORDER**

(Arising out of SLP(C)No.5518 of 2006)

1. Leave granted.

2. This appeal is directed against the judgment and order dt.05.12.2005 passed by the High Court of Judicature at Patna in C.W.J.C.No.7505 of 2004 by which the High Court has affirmed the order passed by the Central Administrative Tribunal by which the appellant's preference for the post of Train Clerk was not accepted. We have perused the impugned order. After hearing the learned counsel for the parties, we are of the view that the High Court while dismissing the Writ Petition had not passed a speaking and reasoned order. Accordingly, we set aside the impugned order and remit the case back to the High court for decision on merits and in accordance with law. We request the High Court to decide the matter preferably within three months from the date of communication of this order without granting any unnecessary adjournment to either of the parties. The appeal is allowed to the extent indicated above. No order as to costs. We make it clear that we have not expressed any opinion on the merit of the matter and the same shall be decided by the High Court.