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SUBJECT-INDEX**ADMINISTRATIVE LAW:**

(1) Policy decision - Setting up of International Financial Services Centre - Joint venture company with 50:50 public-private participation - Approval by Central Government - Allotment of land to Company - Challenged on the basis of report of CAG that State Government did not adopt a uniform policy in alienation and allotment of land - Held: A decision taken in good faith, with good intentions, without any extraneous considerations, cannot be belittled, even if that decision was ultimately proved to be wrong - Non-floating of tenders or absence of public auction or invitation alone is not a sufficient reason to characterize the action of a public authority as either arbitrary or unreasonable or amounting to mala fide or improper exercise of power - Decision taken by Government was also transparent - Further, these are purely policy decisions taken by State Government - It is open to the State and authorities to take economic and management decision depending upon exigencies of a situation guided by appropriate financial policy notified in public interest - Public Interest Litigation.

Pathan Mohammed Suleman Rehmatkhan v. State of Gujarat & Ors. 446

(2) Subordinate legislation - Government of Uttarakhand O.M. dated 16.4.2003 - Providing classification as 'excellent', 'good' and 'unsuitable' - However, ACRs also providing Grade 'very good' which is not the category in O.M. - Held: It is for Government to consider amendment in the

procedure of selection on the basis of merit - Government Order dated 16.4.2003 - Para 2(a).

Premlata Joshi v. Chief Secretary, State of Uttarakhand & Ors. 324

ADVERSE POSSESSION:

Concept of adverse possession - Explained - Limitation - Time spent in adjudication of suit and appeals - Held: In the instant case, suit was instituted on the basis of purchase - Relief sought in the plaint was for delivery of possession -- It was not a forum that lacked inherent jurisdiction to pass a decree for delivery of possession -- It showed the intention of plaintiff to act and to take back the possession - In the circumstances, after institution of the suit, the time for acquiring title by adverse possession has been arrested or remained in a state of suspension till the entire proceedings arising out of suit are terminated - Therefore, appellant-plaintiff is permitted to institute a suit.

(Also see under: Madhya Pradesh Accommodation Control Act, 1961)

Tribhuvanshankar v. Amrutlal 368

ANDHRA PRADESH JUDICIAL MINISTERIAL SERVICE RULES, 2003:

r. 8.

(See under: Service Law) 421

BANGALORE DEVELOPMENT AUTHORITY ACT, 1976:

s.38-A (as amended w.e.f. 21.4.1984) - Grant of area reserved for civic amenities - Civic amenity site earmarked for 'bank', allotted for installing a petrol pump - Held: Under s.38A (1), BDA would

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have the authority to lease, sell or otherwise transfer any area reserved for the purpose for which such area is reserved, and no other - In case, a disposition is made for a purpose other than the one for which it is reserved, it shall be null and void - High Court has rightly declared allotment of civic amenity site in question for establishment of a petrol pump as null and void - Bangalore Development Authority (Civic Authority Site) Allotment Rules, 1989 - r.3.

Purushottam v. State of Karnataka & Ors. 540

BANGALORE DEVELOPMENT AUTHORITY (CIVIC AUTHORITY SITE) ALLOTMENT RULES, 1989: r.3.

(See under: Bangalore Development Authority Act, 1976) 540

CIRCULARS/GOVERNMENT ORDERS/
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(1) Circular dated 1.7.1996.
(See under: Service Law) 421

(2) Government of India, Department of Personnel and Training O.M. dated 7.8.1989.
(See under: Service Law) 361

(3) Government Order dated 16.4.2003 - Para 2(a).
(See under: Administrative Law) 324

CODE OF CIVIL PROCEDURE, 1908:

(1) s.149 - Deficiency in court fee - Suit - Application by plaintiff-appellant for extension of time to pay balance court fee - Held: s.149 prescribes a discretionary power which empowers the court to allow a party to make up the deficiency of court fee payable on plaint etc. - It is also a usual practice that court provides an opportunity to

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the party to pay court fee within a stipulated time - Further, subject to submission of an affidavit by appellant of his income, court fee could have been waived or provided by District Legal Services Authority - Appellant deserved waiver of court fee so that he could contest his claim on merits which involved his substantive right - Trial court erred in rejecting the case of appellant due to non-payment of court fee - Delay in filing regular first appeal, having been explained, High Court erred in rejecting the application for condonation of delay in filing the appeal - Judgments and decrees of trial court and High Court, set aside - Delay by appellant in payment of court fee condoned - Case remanded to trial court for payment of court fee - Liberty given to appellant to approach District Legal Service Authority/Taluk Legal Service Committee for grant of legal aid for sanction of court fee - Trial court shall adjudicate on rights of parties on merits - Legal Services Authorities Act, 1987 - s.12(h) - Kerala State Legal Services Authorities Rules, 1998 - r.12 - Constitution of India, 1950 - Art. 39-A r/w Art.21 - Social justice - Court fee.

Manoharan v. Sivarajan & Ors. 471

(2) O.41, r.31 - First appeal - Disposal of - Held: A regular first appeal is to be disposed of, particularly, in the light of O. 41 r.31 - It mandates that appellate court has to frame points for determination, decision thereon, reasons for decision and where decree appealed from is reversed or varied, the relief to which appellant is entitled - First appeal is a valuable right and unless restricted by law, the whole case is open for rehearing both on questions of fact and law - Accordingly, judgment of appellate court must

reflect its conscious application of mind and record findings supported by reasons, on all issues arising along with contentions put forth by both sides - In the instant case, relevant aspects have not been noticed and adverted to by High Court - Appeal has been decided in an unsatisfactory manner which falls short of considerations expected from the court of first appeal - Judgment of High Court set aside and regular first appeal remanded to it for disposal afresh.

A.M. Sangappa @ Sangappa v. Sangondeppa & Anr. 397

CODE OF CRIMINAL PROCEDURE, 1973:

(1) s. 57.

(See under: Investigation) 339

(2) (i) s.401(3) r/w s.386(a) - Revisional power of High Court - Explained - High Court converting the acquittal into conviction - Held: High Court while exercising the powers of revision can exercise all those powers which have been conferred on court of appeal u/s 386 but, in view of sub-s. (3) of s. 401, while exercising such power, High Court cannot convert a finding of acquittal into one of conviction -- In the instant case, High Court rightly came to the conclusion that it is one of the exceptional cases as the finding of acquittal is on a total misreading and perverse appreciation of evidence and rightly set aside the order of acquittal, but it gravely erred in converting the order of acquittal into that of conviction, instead of directing re-hearing by trial court - Order of High Court set aside, but, in the circumstances of the case, re-hearing by trial court declined - Penal Code, 1860 - s.324.

(ii) s.154 and s.2(d) r/w s.200 - 'Informant' and 'complainant' - Distinction between - Explained.

Ganesh v. Sharanappa & Anr. 400

(3) s. 482 - Quashing of criminal proceedings - Respondents-accused defrauding the Bank in collusion with Bank officials - Charge-sheet against respondents-accused and Bank officials for offences punishable u/ss 406, 409, 420 and 120-B IPC - High Court quashing criminal proceedings against non-bank officials-accused respondents - Held: High Court erred in interfering with criminal proceedings on the ground that bank could recover the loss caused by fraud through orders of Debt Recovery Tribunal or through proceedings under Negotiable Instruments Act or civil proceedings - Even if accused voluntarily at a later stage settles the monetary claim, that cannot be made a ground to quash criminal proceedings - Criminal proceedings can continue even if the allegation discloses a civil dispute also - It is only when the dispute is purely civil in nature but still the party chooses to initiate criminal proceedings, that such proceedings may be quashed - In the instant proceedings, it is not a case requiring interference in exercise of power u/s 482 - The proceedings cannot be termed as an abuse of the process of court because allegations if accepted in entirety are most likely to make out criminal offence alleged against accused-respondents - Judgment of High Court set aside - Penal Code, 1860 - ss.406, 409, 420 and 120-B.

Tamil Nadu Mercantile Bank Ltd. v. State Through Deputy Superintendent of Police and Anr. 411

COMPENSATION:

(See under: Motor Vehicles Act, 1988) 350

COMPTROLLER AND AUDITOR GENERAL OF INDIA:

Power of CAG - Explained.

(Also see under: Administrative law)

Pathan Mohammed Suleman Rehmatkhan v. State of Gujarat & Ors. 446

CONDUCT OF ELECTION RULES, 1961:

rr. 41(2), (3) and 49-O - Held: A part of r.49-O read with Form 17-A, which treats a voter who decides not to cast his vote differently and allows the secrecy to be violated, is arbitrary, unreasonable and violative of Art. 19 and is also ultra vires ss.79(d) and 128 of the RP Act - rr.41(2), (3) and 49-O are ultra vires s.128 of the RP Act and Art.19(1)(a) of the Constitution to the extent they violate secrecy of voting - Election Commission is directed to provide necessary provision in ballot papers/EVMs, and another button called "None of the Above" (NOTA) may be provided in EVMs so that the voters, who come to the polling booth and decide not to vote for any of the candidates in the fray, are able to exercise their right not to vote, while maintaining their right of secrecy - Representation of the People Act, 1951 - ss. 79(d) and 128 - Constitution of India, 1950 - Art.19(1)(a).

People's Union for Civil Liberties & Anr. v. Union of India & Anr. 283

CONSTITUTION OF INDIA, 1950:

(1) (i) Art.19(1)(a) - Freedom of speech and expression - Decision taken by a voter after verifying the credentials of the candidate, either to

vote or not is a form of expression under Art.19(1)(a) - Fundamental right under Art.19(1)(a) read with statutory right u/s.79(d) of the RP Act is violated unreasonably if right not to vote effectively is denied and secrecy is breached - Representation of the People Act, 1951 - s.79(d).

(ii) Art. 32 r/w Arts. 19(1)(a) and 14 - Writ petition challenging rr.41(2), (3) and 49-O of Conduct of Election Rules - Held: Is maintainable - Casting of vote is a facet of right of expression of an individual under Art.19(1)(a) - Fundamental right under Art.19(1)(a) read with statutory right u/s.79(d) of RP Act is violated unreasonably if right not to vote effectively is denied and secrecy is breached, which attracts Art. 14 - Any violation of the said rights gives the aggrieved person the right to approach Supreme Court under Art.32 and a prima facie case exists for exercise of jurisdiction under Art. 32 - Besides, it may not be appropriate to direct the petitioners to go to each and every High Court and seek appropriate relief - Therefore, Supreme Court is competent to hear the issues raised in the writ petition filed under Art.32 - Conduct of Election Rules, 1961 - rr. 41 (2), (3) and 49-O.

People's Union for Civil Liberties & Anr. v. Union of India & Anr. 283

(2) Art.39-A r/w Art.21 - Equal justice and free legal aid - Application of plaintiff for extension of time to pay balance court fee, rejected by trial court - Held: Art. 39A is equally applicable to district judiciary - It is the duty of courts to see that justice is meted out to people irrespective of their socio economic and cultural rights or gender identity - Art. 39A provides for holistic approach in imparting justice to litigating parties - It not only inc

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free legal aid via appointment of counsel for the litigants, but also includes ensuring that justice is not denied to litigating parties due to financial difficulties - Social justice.

(Also see under: Code of Civil Procedure, 1908)

Manoharan v. Sivarajan & Ors. 471

(3) Art.215.

(See under: Contempt of Court) 457

(4) Art. 226 - Writ jurisdiction - Held: High Court rightly concluded that criterion of merit was violated by giving promotion to appellant on such a comparative assessment where respondent was rated more meritorious than appellant - It cannot, therefore, be said that High Court assumed the role of DPC.

Premalata Joshi v. Chief Secretary, State of Uttarakhand & Ors. 324

CONSTITUTIONAL LAW:

Basic structure and Art.14 of Constitution of India - Held: Democracy and free and fair election are part of the basic structure of Constitution of India and necessarily include within its ambit the right of an elector to cast his vote without fear of reprisal, duress or coercion - Protection of elector's identity and affording secrecy is, therefore, integral to free and fair elections and an arbitrary distinction between the voter who casts his vote and the voter who does not cast his vote is violative of Art. 14 - Thus, secrecy is required to be maintained for both categories of persons - Constitution of India - Art. 14.

(Also see under: Constitution of India, 1950)

People's Union for Civil Liberties & Anr. v. Union of India & Anr. 283

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CONTEMPT OF COURT:

(i) Contempt proceedings - Held: Proceedings of contempt are quasi criminal in nature and the burden and standard of proof required is the same as in criminal cases - Charges have to be proved beyond reasonable doubt and alleged contemnor becomes entitled to benefit of doubt.

(ii) Contempt petition - Filed under Art. 215 of the Constitution - On the allegation of suppression of facts by respondents before Special Judge dealing with bail application of contempt-petitioner - Held: Power under Art. 215 of the Constitution can be exercised only in accordance with the procedure prescribed by law - High Court failed to examine as to whether proper procedure was adopted in bringing the petition under Art. 215 of the Constitution and as to whether the limitation as prescribed u/s 20 of the 1971 Act was attracted in the case - As both the parties had raised issues on facts as well as on law, High Court ought to have dealt with the case adverting to all relevant issues, particularly, when appellant had made an allegation that his liberty had been jeopardised by respondents by interfering with the course of justice by misleading the court - Judgment and order impugned is set aside and case remitted to High Court to decide it afresh answering all factual and legal issues raised by parties - Contempt of Courts Act, 1971 - s.20 - Constitution of India, 1950 - Art.215.

Ashok Kumar Aggarwal v. Neeraj Kumar & Anr. 457

CONTEMPT OF COURTS ACT, 1971:

s.20.

(See under: Contempt of Court)

COURT FEE:		
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CRIMINAL LAW:		
Motive.		
(See under: Penal Code, 1860)	435
ELECTION LAWS:		
Right to vote and right, after verifying credentials of the candidate, either to vote or not - Held: Judgments in <i>Association for Democratic Reforms</i> and <i>PUCL</i> have not disturbed the position that right to vote is a statutory right - Both the judgments have only added that right to know the background of a candidate is a fundamental right of a voter so that he can take a rational decision of expressing himself while exercising the statutory right to vote.		
<i>People's Union for Civil Liberties & Anr. v.</i> <i>Union of India & Anr.</i>	283
EVIDENCE:		
Circumstantial evidence.		
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EVIDENCE ACT, 1872:		
s.113-B.		
(See under: Penal Code, 1860)	339
GOVERNMENT CONTRACTS:		
(i) Tenders - Cancellation of tender process for deficiencies therein - Held: Submission of a tender in response to a notice inviting such tenders is no more than making an offer which the State or its agencies are under no obligation to accept -		

Bidders participating in tender process cannot, therefore, insist that their tenders should be accepted simply because a given tender is the highest or lowest depending upon whether the contract is for sale of public property or for execution of works on behalf of Government - All that participating bidders are entitled to is a fair, equal and non-discriminatory treatment in the matter of evaluation of their tenders - To that extent tenderer has an enforceable right - In the instant case, there were serious deficiencies in the entire tender process, which would have resulted in substantial financial loss to Railways and it was neither in public interest nor necessitated by any legal compulsion - Therefore, decision to cancel the tender process was in no way discriminatory or mala fide - Costs.

(ii) Tenders - Terms of - Judicial review of - Held: Power exercised by Government and its instrumentalities in regard to allotment of contract is subject to judicial review - Award of a contract is essentially a commercial transaction which must be determined on the basis of consideration that are relevant to such commercial decision - This implies that terms subject to which tenders are invited are not open to judicial scrutiny unless it is found that the same have been tailor made to benefit any particular tenderer or class of tenderers - Judicial review.

Maa Binda Express Carrier and Anr. v.
Northeast Frontier Railway and Ors. 529

INVESTIGATION:

Discrepancies in timing and date of handing over of case property - Overwriting in inquest report - Held: Cases in which substratum of prosecution case is strong and substantiated

evidence, lapses in investigation should not persuade the court to reject prosecution case and unnecessary weightage should not be given to minor errors or lapses - In the instant case, the doctor clearly deposed about the date of handing over the case property to police after post-mortem - There seems to be mistake in giving dates - Similarly, the overwriting in the inquest report is inconsequential -- It could be a mere inadvertent lapse - Further, sending the special report to magistrate the following day has no adverse impact on prosecution case - Code of Criminal Procedure, 1973 - s.57.

(Also see under: Penal Code, 1860)

Sukhwinder Singh v. State of Punjab 339

JUDICIAL REVIEW:

(See under: Government Contracts) 529

KERALA STATE LEGAL SERVICES AUTHORITIES RULES, 1998: R.12.

(See under: Code of Civil Procedure, 1908) 471

LAND ACQUISITION ACT, 1894:

s.5-A r/w s.4(1) and 6 - Non-compliance of s. 5-A - Effect of - Land in question acquired at the instance of school, after decree of eviction against school had been upheld by all courts including Supreme Court - Objections of land-owner summarily rejected - Held: Non-consideration of objections filed u/s 5A(1) has resulted in denial of effective opportunity of hearing to appellant - The manner in which Government approved the recommendation made by Land Acquisition Collector favouring acquisition of property is reflective of total non-application of mind by competent authority - Division Bench of High Court

by going into merits of objections raised by appellants, has substituted itself for Land Acquisition Collector which was clearly impermissible - Judgments of single Judge and Division Bench of High Court set aside - Notification issued u/s 4(1) would be deemed to have lapsed with passage of time - Time allowed to Management to shift the school at alternate site, and further directions issued.

Gojer Brothers Private Limited v. The State of West Bengal and Ors. 489

LEGAL SERVICES AUTHORITIES ACT, 1987:

s.12(h).

(See under: Code of Civil Procedure, 1908) 471

MADHYA PRADESH ACCOMMODATION CONTROL ACT, 1961:

Suit for eviction - Defendant denying title of plaintiff over suit premises and setting up plea of adverse possession - Held: Once a finding was recorded that there was no relationship of landlord and tenant under the Scheme of the Act, there was no necessity to enter into an enquiry with regard to the title of plaintiff based on sale deed or the title of defendant as put forth by way of assertion of long possession - High Court is justified to the extent that no equitable relief could be granted in a suit instituted under the Act - But, it has committed an illegality by affirming the judgment and decree passed by trial court because by such affirmation, defendant becomes owner of premises by acquisition of title by prescription and, therefore, impugned judgment to that extent is vulnerable and accordingly set aside - Judgment of High Court is affirmed only to the extent that as relationship of landlord and tenant was not established

was not liable for eviction under the Act - The issue of right, title and interest is open.

Tribhuvanshankar v. Amrutlal 368

MOTOR VEHICLES ACT, 1988:

s.166 - Accident of an advocate aged 36 years - Compensation under head 'loss of future income due to disability' - Multiplier - Annual income of Advocate assessed by Tribunal on the basis of Income Tax returns - Held: Functional disability of an accident victim requires determination on the basis of nature of disability in the light of the career or profession which the claimant was pursuing - It should not be computed mechanically only on percentage of physical disability - A young Advocate is bound to suffer huge professional loss on account of injuries as have been sustained by appellant - Loss of earning should be treated as 70% and appropriate multiplier should be 16 in place of 13 - Accordingly, loss of income due to disability is enhanced - Claimant shall be entitled to 6% interest on total compensation from date of petition till date of payment.

N. Manjegowda v. The Manager, the United India Insurance Co. Ltd. 350

PENAL CODE, 1860:

(1) s.302 - Double murder - Accused charged with murder of his elder brother and mother - Circumstantial evidence - Conviction by courts below - Held: The guilt of accused has been proved beyond reasonable doubt - Recoveries made from place of incident, injuries on the person of accused, evidence of witnesses all point towards the guilt of accused - Besides, accused held a strong grudge against his mother and elder brother - The motive

of vengeance is established and in cases in which only circumstantial evidence is available, motive assumes a great importance - Further, accused has simply pleaded innocence - No explanation has been offered by him in spite of the incriminating circumstances that pointed to his guilt - This is a suspicious facet of this case - All these circumstances, which form a reliable chain of events, proved the hypothesis that accused is guilty of the gruesome murder of his elder brother and mother - Conviction and sentence of accused-appellant sustained - Evidence - Circumstantial evidence - Criminal law - Motive.

Subhasish Mondal @ Bijoy v. State of West Bengal 435

(2) s.304-B - Dowry death - Conviction of husband by High Court - Held: The evidence on record discloses that after marriage, attitude of accused was hostile towards deceased - Five days prior to incident deceased had described to her father about the demands raised by accused and that there was danger to her life - Thus, harassment of dowry was soon before the death - Further, victim died of poisoning within 7 years of marriage - Therefore, presumptions u/s 304-B IPC and s.113-B of Evidence Act are attracted - Conviction upheld - Evidence Act, 1872 - s.113-B.

Sukhwinder Singh v. State of Punjab 339

(3) s.324.
(See under: Code of Criminal Procedure, 1973) 400

(4) ss.406, 409, 420 and 120-B.
(See under: Code of Criminal Procedure, 1973)

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PUBLIC INTEREST LITIGATION: (See under: Administrative Law)	446
RENT CONTROL AND EVICTION: (See under: Madhya Pradesh Accommodation Control Act, 1961)	368

REVIEW:

Review jurisdiction - Held: Is extremely limited and unless there is mistake apparent on the face of record, order/judgment does not call for review - Mistake apparent on record means that the mistake is self evident, needs no search and stares at its face - Review jurisdiction is not an appeal in disguise - It does not permit rehearing of the matter on merits - In the instant case, High Court while considering the application for review, had a fresh look at the question whether appellant could be impleaded in suit and, in the light of the view which it took, it recalled its earlier order - The course followed by High Court is clearly flawed - High Court exceeded its review jurisdiction by reconsidering the merits of earlier order - High Court was not at all justified to review the order - Impugned order set aside.

N. Anantha Reddy v. Anshu Kathuria & Ors. 555

SERVICE LAW:

(1) Appointment / Recruitment / Selection:

(i) (a) Appointment by promotion - Appointment to post of Director, Medical Health - Held: In the instant case, promotion is on the basis of merit alone, where seniority should play the role only if

two candidates are of equal merit and not otherwise - Government Order laid down the criteria of judging the merit and specified the categories as 'excellent', 'good' and 'unsuitable' - DPC committed mistake by grading the officers in 'very good', 'good' and 'unfit' categories - By eliminating 'excellent' category and replacing it with 'very good' category, private respondent was severely prejudiced - Since DPC did not follow the procedure as laid down even in the OM, promotion of appellant was rightly set aside by High Court - Uttar Pradesh Medical Health (Group A) Service Rules, 1990 - r.8 - Uttarakhand Government Servant (Criteria for Recruitment by Promotion) Rules, 2004 - rr. 4 and 8 - Government Order dated 16.4.2003 - Para 2(a) - Costs.

(b) Recovery of excess amount - Held: Since appellant has already retired and promotion given to her is because of the wrong exercise of the Department in not applying Rules/OM correctly and it was not because of any misrepresentation or suppression by appellant, no recovery of excess amount paid to her is called for.

Premalata Joshi v. Chief Secretary, State of Uttarakhand & Ors. 324

(ii) Recruitment - Candidates shortlisted by fixing higher qualification - Held: A person who fulfils the eligibility conditions as per recruitment rules cannot be excluded even from appearing in qualifying written examination by fixing higher educational qualification bench mark - Further, when there is a particular provision for short listing the candidates in Rules or Instructions, short listing is to be resorted to in accordance with criterion mentioned in those Rules or Instructions - In the instant case, a specific criterion for shortlisting was prescribed

not followed - High Court rightly quashed the selection - However, appellants continuing by virtue of interim orders, shall continue till selections are made and shall be allowed to participate in selection process - Those of appellants who get so selected, shall retain their seniority from date of initial appointment - Andhra Pradesh Judicial Ministerial Service Rules, 2003 - r. 8 - Circular dated 1.7.1996.

Duddilla Srinivasa Sharma and Ors. v. V. Chrysolite 421

(2) Pay protection - Cut off date - Teacher in State Government - Claim for protection of pay as per O.M. dated 7.8.1989 which was given effect from 1.8.1989 - Held: It is permissible for the Government to lay down the cut off date from which the benefit would be available to the employees - Employees like the appellant who was in the State Government service earlier, will be entitled to pay protection from that date i.e. 1.8.1989 - He will, however, not get the pay protection prior to that date - The last pay drawn by the claimant in State service as on 1.8.1989, directed to be protected with consequential service benefits - Government of India, Department of Personnel and Training O.M. dated 7.8.1989.

Krishna Kant Tiwari v. Kendriya Vidyalaya Sangathan & Anr. 361

(3) Effect of acquittal in criminal case on dismissal order after departmental inquiry - Held: There is no rule of automatic reinstatement on acquittal by a criminal court even though charges levelled against delinquent before Enquiry Officer as well as the criminal court are the same - Further, Regulation 4 of 1968 Regulations indicates that even if there is

identity of charges levelled against accused before criminal court as well as before Enquiry Officer, an order of discharge or acquittal of a police officer by a criminal court shall not be a bar to award of punishment in departmental proceedings - In the instant case, charges leveled against respondent in departmental proceedings were proved beyond any shadow of doubt - Besides, there is evidence that stolen money was recovered from the possession of respondent - A Motorcycle and a private car used in commission of the offence were also recovered from his home - Trial court acquitted the respondent merely because witness could not identify him during TI parade - Therefore, it cannot be said that respondent was honourably acquitted - Order of disciplinary authority dismissing the respondent from service, upheld - Police Regulations of Calcutta, 1968 - Regulation 4.

State of West Bengal & Ors. v. Sankar Ghosh 516

SOCIAL JUSTICE:

Court fee.

(See under: Code of Civil Procedure, 1908; and Constitution of India, 1950) 471