

Supreme Court of India

Yadavindra Public School ... vs State Of Punjab And Ors. on 17 July, 1998

Equivalent citations: AIR 1999 SC 3373, (1999) 1 SCC 189

Bench: B Kirpal, A Misra

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 the CWP No. 16047/97 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.